

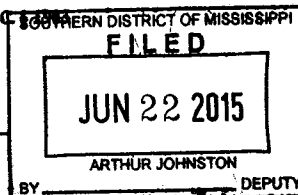
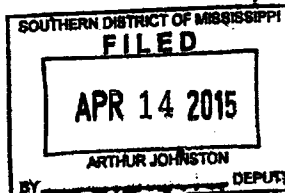
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3:15cv.457 CWR-FKB

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

## COMPLAINT

Montalto 142736  
(Last Name) (Identification Number)Stephen Daniel  
(First Name) (Middle Name)East Mississippi Correctional Facility  
(Institution)10641 Highway 80 West Meridian, MS. 39307  
(Address)(Enter above the full name of the plaintiff prisoner, and address  
plaintiff in this action)

v.

CIVIL ACTION NUMBER:

3:15cv282-HTW-LRA  
(to be completed by the Court)Mississippi Department of Corrections, et alMarshall FisherJeworsk MallettGlen McCoyAlicia BoxFred Lovett  
(Enter above the full names of the defendant or defendants in this action)

## OTHER LAWSUITS FILED BY PLAINTIFF

## NOTICE AND WARNING:

The plaintiff must fully complete the following questions. Failure to do so may result in your case being dismissed.

A. Have you ever filed any other lawsuits in a court of the United States? Yes (X) No ( )

B. If your answer to A is yes, complete the following information for each and every civil action and appeal filed by you. (If there is more than one action, complete the following information for the additional actions on the reverse side of this page or additional sheets of paper.)

1. Parties to the action: Stephen Montalto, Viacom International, Inc2. Court (if federal court, name the district; if state court, name the county): Southern District of Mississippi, Jackson Division3. Docket Number: 3:06 CV 444 TSL - JCS4. Name of judge to whom case was assigned: Tom S. Lee5. Disposition (for example: was the case dismissed? If so, what grounds? Was it appealed? Is it still pending?): Viacom's motion for Summary Judgment was granted.

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**PARTIES**

(In item I below, place your name and prisoner number in the first blank and place your present address in the second blank. Do the same for additional plaintiff, if any).

I. Name of plaintiff: Stephen Montalto Prisoner Number: 142736

Address: E.M.C.F. 2A-107  
10641 Highway 80 West  
Meridian MS. 39307

(In item II below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use the space below item II for the names, positions, and places of employment of any additional defendants.)

II. Defendant: Mississippi Department of Corrections, et al is employed as.

633 North State Street at \_\_\_\_\_  
Jackson, MS 39202

The plaintiff is responsible for providing the court the name and address of each plaintiff(s) as well as the name(s) and address(es) of each defendant(s). Therefore, the plaintiff is required to complete the portion below:

**PLAINTIFF:**

NAME: ADDRESS:

**DEFENDANT(S):**

NAME:	ADDRESS:
- <u>Marshall Fisher,</u>	• <u>633 North State Street</u>
<u>Commissioner of MDOC</u>	<u>Jackson, MS 39202</u>
- <u>Glen McCoy, individually</u>	• <u>609 W. Government St.</u>
<u>and as ERS field officer for</u>	<u>Brandon, MS, 39042</u>
<u>Rankin County</u>	
- <u>Fred Lovett, individually</u>	• <u>211 N. Timber St</u>
<u>and as Deputy Sheriff with</u>	<u>Blandon MS 39042</u>
<u>Rankin County.</u>	
• <u>Jeworski Mallett,</u>	• <u>633 N. State St.</u>
<u>individually and as Director</u>	<u>Jackson, MS. 39202</u>
<u>of records.</u>	
• <u>Alicia Box, individually</u>	• <u>633 N. State St</u>
<u>and as Chief records</u>	<u>Jackson MS. 39202</u>
<u>officer.</u>	

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**GENERAL INFORMATION**

A. At the time of the incident complained of in this complaint, were you incarcerated because you had been convicted of a crime?

Yes (X) No ( )

B. Are you presently incarcerated for a parole or probation violation?

Yes (X) No ( )

C. At the time of the incident complained of in this complaint, were you an inmate of the Mississippi Department of Corrections (MDOC)?

Yes (X) No ( )

D. Are you currently an inmate of the Mississippi Department of Corrections (MDOC)?

Yes (X) No ( )

E. Have you completed the Administrative Remedy Program regarding the claims presented in this complaint?

Yes (X) No ( ), if so, state the results of the procedure: The relief requested

was denied. See ARP Exhibit H.

F. If you are not an inmate of the Mississippi Department of Corrections, answer the following questions:

1. Did you present the facts relating to your complaint to the administrative or grievance procedure in your institution?

Yes ( ) No ( ) n/a

2. State how your claims were presented (written request, verbal request, request for forms): n/a

3. State the date your claims were presented: n/a

4. State the result of the procedure: n/a

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**STATEMENT OF CLAIM**

- III. State here as briefly as possible the facts of your case. Describe how each defendant is involved. Also, include the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. (Use as much space as you need; attach extra sheet if necessary.)

MDOC improperly revoked my Earned Release Supervision after field officer McCoy filed a rules Violation report for not having an approved address when the address was approved by officer McCoy himself - prior to my release. I complied with every instruction, and I registered twice during the time I was out on ERS. MDOC revoked my ERS unlawfully and then unilaterally altered my time sheet by changing the offense and its NCIC code to a harsher crime of which I was not indicted or convicted and took away all of my earned time without any Due Process of Law. Please see exhibit list and exhibits. See attached sheet for continued statement of claim.

**RELIEF**

- IV. State what relief you seek from the court. Make no legal arguments. Cite no cases or statutes.
- NCIC Code and offense changed back to reflect 1099 Kidnap; reinstatement of all earned time; reinstatement of Earned Release Supervision; reimbursement of all legal/attorney fees and all costs of court. Monetary compensation for loss of wages and pain and suffering.

Signed this 10<sup>th</sup> day of April, 2015

Stephen Montalto #142736  
E.M.C.F. 2A-107  
10641 HWY 80 W Meridian MS 39307  
 Signature of plaintiff, prisoner number and address of plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

4/10/15  
 (Date)

Stephen Montalto  
 Signature of plaintiff

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Continued Statement of Claim

officer Fred Lovett is the lead officer over the Sex offender registry of the Rankin County Sheriff's office. When I went to register at the first opportunity, 12/22/14, officer Lovett, who was the original arresting officer on my original charges informed me that the pre-approved address of my mother's residence will not be approved and that I had only until that evening to find, obtain and register a new residence. MDOC's Policy is 90 days. Nevertheless, I complied. Officer Lovett placed me with Officer Burton of Hinds County over Sex offenders and I obtained legal residence at the Billy Brumfield House on 12/22/14 and I registered again when I moved to the Exodus House on 1/7/15. Officer Burton approved these residences for up to 3 months while guiding me toward more permanent housing.

Officer McCoy denied my transfer to Hinds County despite Verbal Confirmation from himself and Officer Gibbons that it would be allowed. McCoy filed his Rules Violation Report on the same day, 01/09/15, that he denied my request for transfer, even though he was the same officer that approved my mother's address to begin with.

On January 23, 2015 I received a classification hearing where I realized my time sheet had been tampered with on January 14, 2015 without my knowledge or consent. The Director of Records, Jeworski Mallett, and Alicia Box, Chief Records officer, are responsible for unilaterally altering my time sheet with MDOC to a harsher charge than that of which I was convicted and simultaneously removing all my earned time without due process of law or any authority to do so. This has an added benefit for the defendants of providing a way to cover up the wrong doing of MDOC with my wrongful arrest and revocation of ERS.

On 01/29/15 I finally had a disciplinary hearing on the RVR filed by McCoy (after my computation of time had been changed). Even though I violated no rules, which is clear, they found me guilty due to the fact that my pre-approved address was not approved after my release. Officer McCoy is the field officer that approved my address prior to my release, and officer McCoy is the officer that filed to revoke my ERS because the same address wasn't approved. McCoy filed this rule violation at a time in which I was properly and lawfully registered twice to approved addresses.

I appealed this decision, and the response completely ignored the issues and relied instead on the illegal and unilateral change of my offense. MDOC believes they can change my conviction to a harsher conviction that I was never indicted on or convicted of - as a way to support their unlawful revocation.

EXHIBIT LIST

- A. Letter to Marshall Fisher outlining my grievances and requesting assistance.
- B. Documentation showing the address I was released to Passed ERS audit and was signed by the Director of Records Jeworski Mallett.
- C. C-1: my Sentence Computation Record Printed on 01/14/15 Showing a Computation date and time of 01/14/15 at 14:08 which shows my offense correctly as Kidnap with the NCIC code of 1099.  
C-2: my Sentence Computation record Printed on 01/28/15 Showing a Computation date and time of 01/14/15 at 14:08 - the exact same date and time as C-1 - which shows that MDOC unilaterally changed my offense to Kidnap Minor, changed the NCIC code to 1005, and took away all my earned time - all without due process.  
C-3: my Sentence Computation record Printed on 07/01/14 Showing a Computation date of 04/03/14 shows that I was Put into Trusty Status on 10/28/08 with a Computation date of 11/17/18. This afforded me jobs and good time credit up until my 12/20/14 ERS release. Compare this pre-release time sheet with C-2 and see that their alteration of my trusty removal on 10/28/08 with a Computation date of 11/18/08 is a false manipulation of my true record that was conducted on 1/14/15 not 11/18/08.
- D. Copy of my indictment showing I was only charged with Kidnap and not Kidnap of a minor, also Prisoner Commitment notice.

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- E. E-1 Violation Report Form listing the type of Violation as "technical" Signed by Glen McCoy;  
E-2 Warrent for Arrest of Earned Release Prisoner signed by Glen McCoy on January 9, 2015;  
E-3 Rule Violation Report signed by Glen McCoy on 1/9/15.
- F. Copies of my Sex offender registry Cards.
- G. MDOC 1st Step Response form.
- H. ARP



Case 3:15-cv-00282-HTW-LRA Document 1 Filed 04/14/15 Page 9 of 64 X H  
A

February 25, 2015

Marshall Fisher  
Commissioner of MDOC  
633 North State Street  
Jackson, MS 39202

Dear Mr. Fisher,

I request your immediate assistance as I was unlawfully denied consideration in the grievance process in violation of MDOC SOP 20-08-01. My complaint was denied on its face citing that my letter contains "more than one complaint/request." The policy, however, says it can be denied only if "the offender has requested a remedy for more than one incident." My requests for relief stem from the same incident. Here are the facts of what happened:

- I was approved and released on Earned Release Supervision on December 20, 2014.
- MDOC policy SOP 15-04-01 states in relevant part that "...the CCAD will assign a Field Officer to conduct a residence investigation."
- Officer Glen McCoy is the officer that had approved this address.
- On Monday, December 22, 2014, I attempted to register as is required by my plea bargain, and I was told by the Department of Public Safety that they had not received my paperwork. I was directed to go to the Rankin County Sheriff's Department, which I did.
- At the Sheriff's Department, Officer Lovett, who is the same officer that was involved in bringing my original charges against me, informed me that I could not stay at my pre-approved address even though it was the address approved and listed on my ERS Certificate and pre-release paperwork, because it was too close to a park.
- Officer Lovett contacted Officer Burton in Hinds County, and Officer Lovett approved for me to go to the Billy Brumfield House, and I obtained legal residence there and received a registration card for this address on December 22, 2014.
- I registered again before moving to the Hind's County Exodus House on January 7, 2014, and I received a registration card for this address.
- Officer McCoy then unilaterally withdrew approval for my transfer to Hinds County.

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- Officer McCoy issued a Rule Violation Report on January 9, 2015 stating the violation as being, "Residence was denied by Rankin County Sheriff's Office on the law of Sex Offender Registry. Residence does not meet requirements."
- It is listed a technical violation.
- A disciplinary hearing was held on January 29, 2015. I was found Guilty with the punishment being to Revoke ERS and Reclassification. The reason cited was, "based on the reporting officer's report and evidence presented at hearing."
- Upon return to prison, I found that MDOC, under no court authority or due process, fraudulently altered my Inmate Time Sheet by changing the charge I was indicted under, pled to and was convicted of from 1099 Kidnap to 1005 Kidnap of a minor, thereby depriving me of all of my earned time and early release date. My indictment even shows that I was only charged with kidnapping, further proved in that the element stating the person was a minor was not listed in the indictment. I pled only to Kidnap and not Kidnap of a minor, and it is illegal for MDOC to alter my records to substantially change my conviction without due process of law.
- Fortunately, I have a copy of my time sheet from before I left for ERS since this record showing my correct charge and earned time has been deleted from the system. I also have a copy of my ERS certificate which lists the pre-approved Rankin County residence. It too was deleted from the system.

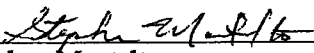
My Appeal was received timely on February 12, 2015. However, it was rejected with the reason indicated being that "[o]nly one complaint/request will be accepted. If your letter contains more than one complaint/request, it will be rejected and returned to you." However, these two issues of relief I am requesting rise from the exact same incident. **MDOC revoked my ERS because the Field Officer assigned—Officer McCoy—approved an address without due diligence to his duties—which led to Officer McCoy—the very same officer that approved this address—to file a rules violation report for not having an approved address—although I had broken no rules.** I complied with every letter of instruction I received from all authorities. To cover this error of incompetence, MDOC changed my conviction to a harsher one so that I would be silenced.

Although it was not made clear, I believe MDOC is construing the "more than one issue" in my ARP to be both my requests for relief of having my ERS reinstated and having my MDOC time sheet to indicate the correct charge and earned time. However, the need for these requests for relief arose out of the same occurrence and one cannot be completely corrected without the other.

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I am requesting that my ERS be reinstated I want to thank you for your time in reading this and for any assistance you are willing to give. Please feel free to contact me with any questions or concerns. I know there has been a lot of negative press recently regarding Mississippi prisons. I believe that you should be fully informed of these circumstances on the front end so that you may have ample opportunity to investigate these facts for yourself and correct them before any further action takes place. Again, I thank you for your consideration and your time.

Sincerely,

  
Stephen Montalto  
MDOC# 142736  
EMCF 2-A-107  
10641 Highway 80 West  
Meridian, MS 39307

cc:

Pamela Robinson  
Director of Classification  
633 North State Street  
Jackson, MS 39202

Director  
Probation and Parole Office  
609 W. Government Street  
Brandon, MS 39042

Todd King  
Director of Community Corrections  
633 North State Street  
Jackson, MS 39202

David Petrie  
ARP Coordinator  
P.O. Box 1057  
Parchman, MS 38738

Case 3:15-cv-00282-HW-LRA Document 1-1 EXH B

**ACKNOWLEDGEMENT OF CONVICTED SEX OFFENDER'S DUTY TO REGISTER**

Pursuant to the provisions of Mississippi Code Ann. § 45-33-21 et seq., the undersigned have been informed that all convicted sex offenders required to register with the Mississippi Sex Offender Registry (MSOR) must do the following:

- SM 1. Report all addresses where you abide, lodge, reside or remain at between the hours of 10:00 p.m. and 6:00 a.m. for a period of seven (7) or more consecutive days.
- SM 2. Report any change of address by personally appearing at a DPS Driver's License station not less than ten (10) days before changing address. This includes change of address when moving out of state. When moving out of state, you must comply with any registration requirements of the new state.
- SM 3. Register in any state where the person is employed, carries on a vocation, is stationed in the military, is a student, or a temporary resident.
- SM 4. Report any change in status of enrollment, employment, vocation, or volunteer work at any public or private education institution, including any primary or secondary school, trade or professional institution, or institution of higher learning, by personally appearing at a DPS Driver's License station within three (3) business days of the change.
- SM 5. Report any change of name, vehicle information, Internet identifiers or employment by personally appearing at a DPS Driver's License station within three (3) business days of the change.
- SM 6. If you volunteer with an organization in which volunteers have direct, private or unsupervised contact with minors, you are required to notify the organization at the time of volunteering that you have been convicted of a sex offense.
- SM 7. If you are employed in any position or contract with a person to provide personal services, where the position brings you into regular contact with children, you are required to notify in writing the employer or the person with whom you have contracted that you have been convicted of a sex offense.
- SM 8. You are prohibited from residing within three thousand (3,000) feet of the real property comprising a public or nonpublic elementary or secondary school or a childcare facility, a residential child caring agency, a children's group care home or any playground, ballpark, or other recreational facility utilized by persons under the age of eighteen (18) years. Refer to Mississippi Code Ann. § 45-33-25(4) for full text of law.
- SM 9. You are prohibited from being present in or within five hundred (500) feet of a school building or school property while persons under the age of 18 are present. Refer to Mississippi Code Ann. § 45-33-26 for full text of law.
- SM 10. You are required to notify the DPS if you are committed to a mental institution for a reason other than initial confinement following acquittal by reason of insanity for a sex offense. The offender, offender's guardian or conservator, or the administrator of the institution is authorized to provide the notification.
- SM 11. Report any erroneous information listed about you in the Sex Offender Registry to the DPS by mail, telephone or email.
- SM 12. Reregister by personally appearing at a DPS Driver's License station every ninety (90) days. Reregistration includes the submission of current information and photograph to the department and the verification of registration information, including the street address and telephone number of the registrant; name, street address and telephone number of the registrant's employment along with any other registration information that may need to be verified and payment of any required fees.
- SM 13. Failure to re-register at a Driver's License station, or forgery or submission of information under false pretenses, will result in automatic suspension of your driver's license and is a felony punishable by fine of not more than \$5,000.00 or imprisonment in the state penitentiary for not more than five years, or both.
- SM 14. Offenders must advise MOPS twenty-one (21) days in advance if they plan to travel internationally. This must include an itinerary of countries to be visited and dates of visitation.
- SM 15. You are required to provide any passport, immigration or professional license documents to DPS at the time of registration/reregistration for scanning.
- SM 16. During a declaration of emergency, offenders must provide the management of an emergency shelter, the sheriff and Chief of Police of the county/municipality in which the shelter is located, the offender's full name, date of birth, social security number and last address prior to emergency declaration.
- SM 17. If you intend to visit a public beach or public campground you must first seek permission from the Director of MSOR.
- SM 18. Read, initial each line and sign this form verifying that these registration duties have been explained to you.

Print Name of Offender: Stephen MontaltoSignature of Offender: Stephen MontaltoDate: 12-4-14Registering Agency: East Miss. Correctional FacilityPhone: 601-485-3255Signature of Person Accepting Registration: Yvonne HenryPOST OFFICE BOX 958 • JACKSON, MISSISSIPPI 39205-0958 • TELEPHONE: 601-987-1540 • FAX: 601-933-2695 • EMAIL: [msor@dps.ms.gov](mailto:msor@dps.ms.gov)

(Rev 12/13)

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**MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY**  
**RESPONSIBLE AGENCY CONVICTED SEX OFFENDER REGISTRATION FORM**

PLEASE PRINT

Name: Stephen Mentalto Social Security No: 130.92.9167Driver's License/ID card No. and State: \_\_\_\_\_ Date of Birth: 10.01.75Passport/ Immigration No: \_\_\_\_\_ Place of Birth: Poughkeepsie, NY

Professional License No: \_\_\_\_\_ Type: \_\_\_\_\_

Race: WH Sex: M Height: 5.7 Weight: 205 Eye color: Blue Hair color: BrownScars, Marks, Tattoos: N/APrimary Residential Street Address: 1075 Windrose DriveCity: Brandon State: MS Zip Code: 39047 County: RANKIN Co.

Is your residence within 3000 feet of a public or nonprofit elementary or secondary school or a childcare facility, a residential child care agency, a children's group care home or any playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years. If yes, this may be prohibited per § 49-33-25(4)(a). \_\_\_\_\_

Secondary/Temporary Residential Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ County: \_\_\_\_\_

Mailing Address (if different from Primary Residential Address above): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ County: \_\_\_\_\_

If your residence is a mobile home, trailer, motor vehicle or manufactured home provide the following:

VIN#: \_\_\_\_\_ License #: \_\_\_\_\_ Reg #: \_\_\_\_\_ Description: \_\_\_\_\_

If your residence is a vessel or houseboat, provide the following:

Name of vessel: \_\_\_\_\_ Hull ID#: \_\_\_\_\_ Serial #: \_\_\_\_\_ Reg #: \_\_\_\_\_ Description: \_\_\_\_\_

Employer (Paid or Unpaid): \_\_\_\_\_ Date of employment: \_\_\_\_\_

Employer Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ County: \_\_\_\_\_

Are you: ☐ Employed ☐ Volunteer ☐ Student at Educational/Trade School, Professional Institute or Institution of Higher Education in MS: ☐ YES ☐ NO

If yes, School Name: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ County: \_\_\_\_\_

Vehicle Make/Model/Color: \_\_\_\_\_ License Tag State &amp; Number: \_\_\_\_\_ Where is vehicle kept? \_\_\_\_\_

Vehicle Make/Model/Color: \_\_\_\_\_ License Tag State &amp; Number: \_\_\_\_\_ Where is vehicle kept? \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Other: \_\_\_\_\_

Internet Screen Name, Instant Message, Email Address, etc.: \_\_\_\_\_

If planning international travel list countries and dates of visitation: \_\_\_\_\_

Other information: \_\_\_\_\_

\*\*\*YOU MUST COMPLETE BOTH SIDES OF THIS FORM\*\*\*

Case 3:15-cv-00457-CWR-FKB Document 2 Filed 06/22/15 Page 14 of 66 **EXH B**  
**MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY**  
**RESPONSIBLE AGENCY CONVICTED SEX OFFENDER REGISTRATION FORM**

**PLEASE PRINT**

Crimes for which convicted (Give details below)

- ☐ 97-3-53 Relating to kidnapping, if the victim was below age of eighteen (18)
- ☐ 97-3-65 Relating to rape
- ☐ 97-3-71 Relating to rape and assault with intent to ravish
- ☐ 97-3-95 Relating to sexual battery
- ☐ 97-5-5 Relating to enticing a child for concealment, prostitution or marriage
- ☐ 97-5-23 Relating to the touching of a child, or a mentally defective, incapacitated or physically helpless person for lustful purposes
- ☐ 97-5-27 Relating to the dissemination of sexually oriented material to children
- ☐ 97-5-33 Relating to the exploitation of children
- ☐ 97-5-41 Relating to the carnal knowledge of stepchild, adopted child or child of a cohabiting partner
- ☐ 97-29-3 Relating to adultery or fornication between teacher and pupil
- ☐ 97-29-59 Relating to unnatural intercourse
- ☐ 43-47-18 Relating to sexual abuse of a vulnerable person
- ☐ 97-3-54.1(1)(c) Relating to procuring sexual servitude of a minor
- ☐ 97-3-54.3 Relating to aiding, abetting or conspiring to violate Section 97-3-54.1(1)(c)
- ☐ 97-29-61(2) Relating to voyeurism when the victim is a child under sixteen (16) years of age
- ☐ 97-29-63 Relating to filming another without permission where there is expectation of privacy
- ☐ 97-29-45(1)(a) Relating to obscene electronic communication
- ☐ 97-3-104 Relating to the crime of sexual activity between law enforcement, correctional or custodial personnel and prisoners
- ☐ 97-5-39(1)(c) Relating to contributing to the neglect or delinquency of a child, felonious abuse or battery of a child, if the victim was sexually abused
- ☐ 97-1-7 Relating to attempt to commit any of the above-referenced offenses
- ☐ Any offense committed in another jurisdiction, which would be considered one of the above in MS
- ☐ Any offense committed in another jurisdiction for which registration is required in that jurisdiction
- ☐ Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this section
- ☐ 45-33-23(a)(b) Capital murder when one (1) of the above described offenses is the underlying crime

Details of the offense (do not include name of victim):

I perceived a child to be in danger or hurt  
and protected the child and brought him to the police for help.

Arrest Date: 1/1 Conviction Date: 1/1 Court of Conviction: Rankin Co. Circuit State of Conviction: MSAre you currently on probation/parole? ☐ Yes ☒ No If yes, ☐ Fed ☐ State MCA §43-33-45 Electronic Monitoring/Tracking ☐ Yes ☒ No

Probation Officer Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Do you have any outstanding arrest warrants? ☐ Yes ☒ No If yes, where? \_\_\_\_\_Have you ever been required to register as a convicted sex offender in another state? ☐ Yes ☒ No If yes, where? \_\_\_\_\_Have you been designated a sexual predator or sexually violent predator in another state? ☐ Yes ☒ No If yes, State? \_\_\_\_\_Have you ever been adjudicated delinquent? ☐ Yes ☒ No If yes, where? \_\_\_\_\_FBI# \_\_\_\_\_ MDOC# W2736 DNA# \_\_\_\_\_**Victim Information**Victim #1: Age: 2 1/2 Sex: ☒ Male ☐ Female Use of Force against victim? ☐ Yes ☒ No Age of Offender at time of offense: 2 1/2Victim #2: Age: \_\_\_\_\_ Sex: ☐ Male ☐ Female Use of Force against victim? ☐ Yes ☒ No Age of Offender at time of offense: \_\_\_\_\_Print Name of Offender: Stephen MotaltoSignature of Offender: Stephen Motalto Date: 12-4-14Registering Agency: East Miss. Correctional Facility Phone: 601-485-5255Signature of Person Accepting Registration: J. J. Henry

Check required enclosures: ☐ Acknowledgment Form ☐ Conviction/Sentencing Order ☐ Photograph ☐ Fingerprint  
 Biological Sample sent to MS Crime Lab ☐ Yes ☒ No

For questions or information, contact the Sex Offender Registry  
 P.O. Box 938, Jackson, MS 39201-0938  
 Phone: (601)987-1540 Fax: (601)933-2655 Email: [msor@dpss.ms.gov](mailto:msor@dpss.ms.gov)



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EXH  
B

# Mississippi Department of Corrections



## Certificate of Earned Release Supervision

The Mississippi Department of Corrections has determined that the inmate listed below and sentenced to the Mississippi Department of Corrections is eligible for Earned Release Supervision pursuant to § 47-5-138 of Mississippi Code. That there is a reasonable probability that said inmate WILL REMAIN AT LIBERTY WITHOUT VIOLATING THE LAWS, and it being the opinion of the Mississippi Department of Corrections that the release of this inmate is not incompatible with the welfare of society. It is ORDERED by the Commissioner of Corrections that the inmate be RELEASED from the MISSISSIPPI DEPARTMENT OF CORRECTIONS on December 20, 2014. That said inmate is to remain within the boundaries of Rankin County, as designated by the Mississippi Department of Corrections, until one of the following occurs: (1) properly transferred by the Mississippi Department of Corrections, (2) expiration of sentence, or (3) other action as deemed appropriate by the Mississippi Department of Corrections.

Name: Stephen Montalto

MDOC Number: 142736

**Approved Residence**

Residence of	Barbara Montalto
Address	1075 Windrose Drive
City, State, Zip	Brandon, MS 39047
Telephone No.	601-321-9421
Relation to	

Witness my signature and seal, this the 5 day of December, 2014.

  
Commissioner or designee

EXH  
C-1

Mississippi Department of Corrections  
Sentence Computation Record

Offender: MONTALTO, STEPHEN 142738

Housing: CMCF, CMCF 720, BLD C, ZONE A, BED 0010

Computation Date: 01/14/2015 14:08

Computation Reason: Error Correction

Date Printed: 01/14/2015 10:26

Sentences:

DATE	CAUSE/COURT OFFENSE	COMMITTED	COUNTY	SERVE	HOUSE	PROBATION	HAB	DEFERRED	OVERRIDE	CONCURRENT	CONSECUTIVE
08/22/08	17,837/1 131B:AGGRAVATED ASSAULT	08/22/08	Rankin	20Y		6Y	N			17,837/1	
08/22/08	17,837/2 131B:AGGRAVATED ASSAULT	08/22/08	Rankin	20Y		6Y	N				18,213/3
08/22/08	18,213/3 108B:KIDNAP	11/04/08	Rankin			5Y	N				
08/22/08	18,213/4 131B:AGGRAVATED ASSAULT	11/04/08	Rankin			5Y	N				

Final Time Offender

Pre Trial/Pre Sentence Jail Time:

FROM	TO	DAYS
08/22/08	08/23/08	1
08/24/08	08/22/08	90
10/11/08	10/13/08	2
11/04/08	08/22/08	888
Total Jail Time:		781
Override:		

Computation Details:

DATE	DESCRIPTION	HOUSE ARREST	PAROLE	ERS	TENTATIVE	MAX
08/22/08	Sentence begin = 08/22/08 - 781D jail time = 08/03/08					
08/22/08	17,837/1 131B:AGGRAVATED ASSAULT 20Y [18% of 20Y-781D = 2Y 248D]			11/24/23	07/29/26	07/29/26
08/22/08	17,837/2 131B:AGGRAVATED ASSAULT 20Y [18% of 20Y-781D = 2Y 248D]			11/24/23	07/29/26	07/29/26
08/22/08	18,213/3 108B:KIDNAP- 20Y CG with 17,837/1 [18% of 20Y-781D = 2Y 248D]			11/24/23	07/29/26	07/29/26
08/22/08	18,213/4 131B:AGGRAVATED ASSAULT 20Y [18% of 20Y-781D = 2Y 248D]			11/24/23	07/29/26	07/29/26
11/04/08	Into Truly Status 10/28/08 [Applied OD] IN TIS OPEN C-CUSTODY			11/24/23	07/29/26	07/29/26
11/04/08	Out Of Truly Status 10/28/08 [Applied OD] N.E. TET DUE TO KIDNAPING MINOR SEX OFFENDER			11/24/23	07/29/26	07/29/26
08/01/08	Multi- Support/Camp Support 04/01/08 to 08/31/08 [Applied OD] LIBRARY POD ORDERLY 20 DAYS N.E. DUE TO IN TIS FOR A OBI			11/24/23	07/29/26	07/29/26
08/22/08	Met-Discipline Program 01/07/08 to 03/31/08 [Applied OD] 28 DYS N.E.			11/24/23	07/29/26	07/29/26
08/22/08	Met-Discipline Program 06/01/08 to 08/08/08 [Applied OD] 22 DYS N.E.			11/24/23	07/29/26	07/29/26
12/28/08	Met-Pre Release Program 10/01/08 to 12/28/08 [Applied OD] FATHERHOOD INITIATIVE PROGRAM 20 DYS N.E.			11/24/23	07/29/26	07/29/26
02/28/10	Met-Pre Release Program 12/28/08 to 01/19/10 [Applied OD] COGNITIVE SKILLS 7 DYS N.E.			11/24/23	07/29/26	07/29/26
02/28/10	Met-A&D Treatment 01/19/10 to 02/19/10 [Applied OD] 10 DYS N.E.			11/24/23	07/29/26	07/29/26
03/28/10	Met-A&D Treatment 02/20/10 to 03/21/10 [Applied OD] 10 DYS N.E.			11/24/23	07/29/26	07/29/26
04/28/10	Met-Pre Release Program 03/22/10 to 03/26/10 [Applied OD] STRESS MANAGEMENT CLASS 2 DYS N.E.			11/24/23	07/29/26	07/29/26
07/28/10	Met-Discipline Program 04/01/10 to 07/01/10 [Applied OD] 50 DYS N.E.			11/24/23	07/29/26	07/29/26
07/28/10	Met-Therapeutic Comm Program 06/16/10 to 12/16/10 [Applied OD] 30 DYS N.E.			11/24/23	07/29/26	07/29/26
08/31/11	Met-Discipline Program 04/01/08 to 03/31/11 [Applied OD] FAITH BASED PROGRAM 180 DAYS N.E.			11/24/23	07/29/26	07/29/26
08/31/11	Met-A&D Treatment 01/03/11 to 08/03/11 [Applied OD] TUTOR- SUBSTANCE ABUSE 40 DAYS N.E.			11/24/23	07/29/26	07/29/26
07/08/11	Met-Therapeutic Comm Program 12/17/10 to 08/17/11 [Applied OD] 60 DAYS N.E.			11/24/23	07/29/26	07/29/26
07/19/11	Met-Pre Release Program 10/16/10 to 02/07/11 [Applied OD] ART CLASS 35 DAYS N.E.			11/24/23	07/29/26	07/29/26
07/19/11	Met-Pre Release Program 04/08/11 to 08/04/11 [Applied OD] MUSIC APPRECIATION 16 DYS N.E.			11/24/23	07/29/26	07/29/26
08/12/11	Met-A&D Treatment 08/04/11 to 08/04/11 [Applied OD] SUBSTANCE ABUSE 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
08/30/14	Met-Discipline Program 10/01/11 to 07/01/14 [Applied OD] FAITH BASED PROGRAM 30 DAYS N.E.			11/24/23	07/29/26	07/29/26



DATE	DESCRIPTION	HOUSE ARREST	PAROLE	ERS	TENTATIVE	MAX
01/26/12	Met-Therapeutic Comm Program 08/04/11 to 01/04/12 [Applied OD] 60 DAYS N.E.			11/24/23	07/29/26	07/29/26
04/08/12	Met-Therapeutic Program 07/02/11 to 04/30/12 [Applied OD] PATH BASED PROGRAM 60 DAYS N.E.			11/24/23	07/29/26	07/29/26
04/17/12	Met-Special Detail 04/11/12 [Applied OD] Long Term A&D Program Completion 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
06/07/12	Met-Therapeutic Comm Program 07/05/12 to 04/04/12 [Applied OD] 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
06/07/12	Met-A&D Treatment 01/30/12 to 04/30/12 [Applied OD] SUBSTANCE ABUSE EDUCATION 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
12/20/12	Met-Therapeutic Comm Program 08/01/12 to 11/30/12 [Applied OD] 70 DAYS N.E.			11/24/23	07/29/26	07/29/26
08/02/13	Met-Therapeutic Comm Program 12/01/12 to 03/30/13 [Applied OD] 40 DAYS N.E.			11/24/23	07/29/26	07/29/26
07/28/13	Met-Therapeutic Comm Program 03/31/13 to 06/30/13 [Applied OD] 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
10/24/13	Met-Therapeutic Comm Program 07/01/13 to 09/30/13 [Applied OD] 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
02/17/14	Met-Therapeutic Comm Program 01/02/14 to 04/02/14 [Applied OD] 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
04/03/14	Met-Therapeutic Comm Program 01/02/14 to 04/02/14 [Applied OD] 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
07/02/14	Met-Therapeutic Comm Program 04/03/14 to 07/03/14 [Applied OD] 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
10/28/14	Met-Therapeutic Comm Program 07/04/14 to 10/04/14 [Applied OD] 30 DAYS N.E. DUE TO CRIME			11/24/23	07/29/26	07/29/26
11/02/14	Met-Therapeutic Comm Program 10/05/14 to 11/05/14 [Applied OD] 10 DAYS N.E. DUE TO CRIME			11/24/23	07/29/26	07/29/26
12/23/14	Released On ERS 12/20/14 [Applied OD]			11/24/23	07/29/26	07/29/26
01/09/15	Return From ERS 12/20/14 to 01/09/15 [Applied OD]			07/29/26	07/29/26	07/29/26

### Summary:

Begin Date	House Arrest Date	Parole Date	ERS Date	Tentative Discharge	Max Discharge	End Date
08/03/2006				07/29/2026	07/29/2026	

**Override:**

Total Term To Serve: 20Y	Total Earned Time: 0D	Earned Time Lost: 0D	Total MET Earned: 0D	Total Trusty Time Earned: 0D
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## Comments:

REMOVED ALL MET AND TET PER EMAIL DIRECTIVE SCANNED DUE TO THIS INMATE IS SERVING A MANDATORY CRIME OF KIDNAPPING

**Approval:**

Approved By: **AB** Date Approved: **1/14/2015**

Case 3:15-cv-00282-HTV-LRA

EXH  
C-2Mississippi Department of Corrections  
Inmate Time Sheet

Offender: MONTALTO, STEPHEN 142738

Housing: CMCF, CMCF 720, BLD C, ZONE A, BED 0010

Computation Date: 01/14/2015 14:08

Date Printed: 01/28/2015 16:48

## References:

DATE	CAUSE/COUNT OFFENSE	COMMITTED	COUNTY	SERVE	HOUSE	PROBATION	HAB	DEFERRED	OVERIDE	CONCURRENT	CONSECUTIVE
08/22/08	17,937/1	08/22/08	Rankin	20Y		6Y	N			17,937/1	
08/22/08	17,937/2	08/23/08	Rankin			6Y	N				
08/23/08	18,213/3	11/04/08	Rankin	20Y		6Y	N			18,213/3	
08/22/08	18,213/4	11/04/08	Rankin			6Y	N				

First Time Offender

## Pre Trial/Pre Sentence Jail Time:

FROM	TO	DAYS
08/22/08	08/23/08	1
08/24/08	08/22/08	80
10/01/08	10/13/08	2
11/04/08	08/22/08	888

Total Jail Time: 781

Override:

## Computation Details:

DATE	DESCRIPTION
08/22/08	17,937/1 1316:AGGRAVATED ASSAULT 20Y
08/22/08	17,937/2 1316:AGGRAVATED ASSAULT CS to 17,937/1
08/22/08	18,213/3 1008:KIDNAP MINOR 20Y CC with 17,937/1
08/22/08	18,213/4 1316:AGGRAVATED ASSAULT CS to 18,213/3
11/07/08	Inio Truly Status 10/28/08 IN T/S OPEN C-CUSTODY
11/28/08	Out Of Truly Status 10/28/08 N.E. TET DUE TO KIDNAPPING MINOR SEX OFFENDER
07/07/08	Met-Unit Support/Camp Support 04/01/08 to 05/31/08 LIBRARY POD ORDERLY 20 DAYS N.E. DUE TO IN T/S FOR A JOB.
08/24/08	Met-Discipline Program 01/07/08 to 03/31/08 28 DYS N.E.
08/24/08	Met-Discipline Program 08/01/08 to 08/08/08 22 DYS N.E.
12/28/08	Met-Pre Release Program 10/01/08 to 12/28/08 FATHERHOOD INITIATIVE PROGRAM 20 DYS N.E.
08/23/10	Met-Pre Release Program 12/28/08 to 01/16/10 COGNITIVE SKILLS 7 DYS N.E.
08/23/10	Met-A&D Treatment 01/16/10 to 02/18/10 10 DYS N.E.
08/23/10	Met-A&D Treatment 02/20/10 to 03/21/10 10 DYS N.E.
04/01/10	Met-Pre Release Program 03/22/10 to 03/26/10 STRESS MANAGEMENT CLASS 2 DYS N.E.
07/28/10	Met-Discipline Program 04/01/10 to 07/01/10 30 DYS N.E.
07/28/10	Met-Therapeutic Comm Program 08/16/10 to 12/16/10 30 DYS N.E.
08/31/11	Met-Discipline Program 04/01/08 to 08/31/11 FAITH BASED PROGRAM 180 DAYS N.E.
08/31/11	Met-A&D Treatment 01/03/11 to 08/08/11 TUTOR- SUBSTANCE ABUSE 40 DAYS N.E.
07/08/11	Met-Therapeutic Comm Program 12/17/10 to 08/17/11 80 DAYS N.E.
07/13/11	Met-Pre Release Program 10/16/10 to 02/07/11 ART CLASS 35 DAYS N.E.
07/13/11	Met-Pre Release Program 04/06/11 to 08/01/11 MUBIC APPRECIATION 16 DYS N.E.
08/12/11	Met-A&D Treatment 08/04/11 to 08/04/11 SUBSTANCE ABUSE 30 DAYS N.E.
08/23/11	Met-Discipline Program 04/01/11 to 07/01/11 FAITH BASED PROGRAM 30 DAYS N.E.

Summary:						
Begin Date	House Arrest Date	Parole Date	ERS Date	Tentative Discharge	Max Discharge	End Date
08/03/2006				07/29/2026	07/29/2026	
Total Term To Serve: 20Y	Total Earned Time: 0D	Earned Time Lost: 0D	Total MET Earned: 0D	Total Trusty Time Earned: 0D		

**Comments:**

EXH  
C-3

Case 3:15-cv-00282-HTW-LRA Document 1 Filed 04/14/15 Page 20 of 64

## Mississippi Department of Corrections

## Inmate Time Sheet

Offender: MONTALTO, STEPHEN 142736

Housing: EAST MISS. CCF, EMCF UNIT 2, POD A, BED 106L

Computation Date: 04/03/2014 16:23

Date Printed: 07/01/2014 09:38

## Sentences:

DATE	CALENDAR COUNT	OFFENSE	COMMITTED	COUNTY	DEAVE	HOUSE	PROBATION HAS	DEFERRED	OVERRIDE	CONCURRENT	CONSECUTIVE
08/22/08	17,837/1	131E AGGRAVATED ASSAULT	08/22/08	Rankin	20Y		N				
08/22/08	17,837/2	131E AGGRAVATED ASSAULT	08/23/08	Rankin			N				
08/22/08	18,213/3	1098 KIDNAP	11/04/08	Rankin	20Y		N			17,087/1	14,219/5
08/22/08	18,213/4	131E AGGRAVATED ASSAULT	11/04/08	Rankin			N				

First Time Offender

## Pre Trial/Pre Sentence Jail Time:

FROM	TO	DATE
08/22/08	06/23/09	1
08/24/08	09/22/08	90
10/11/08	10/13/08	2
11/04/08	08/22/08	688
Total Jail Time: 781		Overdue:

## Computation Details:

DATE	DESCRIPTION
08/22/08	17,837/1 131E AGGRAVATED ASSAULT 20Y
08/22/08	17,837/2 131E AGGRAVATED ASSAULT C6 to 17,837/1
08/22/08	18,213/3 1098 KIDNAP-20Y C6 with 17,837/1
08/22/08	18,213/4 131E AGGRAVATED ASSAULT C6 to 18,213/3
11/17/08	1800 Truly Earned Time 10/28/08 to 11/27/08 30D
11/27/08	Truly Earned Time 10/28/08 to 11/27/08 30D
12/27/08	Truly Earned Time 11/27/08 to 12/27/08 30D
01/28/09	Truly Earned Time 12/27/08 to 01/28/09 30D
02/28/09	Truly Earned Time 01/28/09 to 02/28/09 30D
03/27/09	Truly Earned Time 02/28/09 to 03/27/09 30D
04/28/09	Truly Earned Time 03/27/09 to 04/28/09 30D
05/28/09	Truly Earned Time 04/28/09 to 05/28/09 30D
06/28/09	Truly Earned Time 05/28/09 to 06/28/09 30D
07/28/09	Truly Earned Time 06/28/09 to 07/28/09 30D
08/24/09	Met-Discontinuation Program 07/28/09 to 08/24/09 28D
08/24/09	Met-Discontinuation Program 08/24/09 to 08/24/09 22D
08/24/09	Truly Earned Time 08/24/09 to 08/24/09 30D
10/23/09	Truly Earned Time 08/23/09 to 10/23/09 30D
11/22/09	Truly Earned Time 10/23/09 to 11/22/09 30D
12/22/09	Truly Earned Time 11/22/09 to 12/22/09 30D
12/22/09	Met-Pro Release Program 10/10/09 to 12/22/09 20D FATHERHOOD INITIATIVE PROGRAM

DATE	DESCRIPTION
07/21/10	Truist Earned Time 12/22/09 to 01/21/10 : 300
02/20/10	Truist Earned Time 01/21/10 to 02/20/10 : 300
02/23/10	Met-Pra Release Program 12/22/09 to 01/16/10 : 7D COGNITIVE SKILLS
02/24/10	Met-AID Treatment 01/16/10 to 02/19/10 : 100
03/22/10	Truist Earned Time 02/20/10 to 03/22/10 : 300
03/23/10	Met-AID Treatment 02/20/10 to 03/22/10 : 100
04/01/10	Met-Pra Release Program 03/22/10 to 03/29/10 : 2D STRESS MANAGEMENT CLASS
04/21/10	Truist Earned Time 03/22/10 to 04/21/10 : 300
05/21/10	Truist Earned Time 04/21/10 to 05/21/10 : 300
05/22/10	Truist Earned Time 05/21/10 to 05/22/10 : 300
07/20/10	Truist Earned Time 06/20/10 to 07/20/10 : 300
07/20/10	Met-Displacement Program 04/01/10 to 07/20/10 : 300
08/19/10	Truist Earned Time 07/20/10 to 08/19/10 : 300
08/19/10	Truist Earned Time 08/18/10 to 08/19/10 : 300
10/19/10	Truist Earned Time 09/19/10 to 10/19/10 : 300
11/17/10	Truist Earned Time 10/17/10 to 11/17/10 : 300
12/17/10	Truist Earned Time 11/17/10 to 12/17/10 : 300
01/16/11	Truist Earned Time 12/17/10 to 01/16/11 : 300
01/24/11	Met-Therapeutic Comm Program 08/16/10 to 12/16/10 : 300
02/15/11	Truist Earned Time 01/16/11 to 02/15/11 : 300
02/17/11	Truist Earned Time 02/16/11 to 02/17/11 : 300
04/15/11	Truist Earned Time 03/17/11 to 04/15/11 : 300
04/15/11	Truist Earned Time 04/14/11 to 04/15/11 : 300
05/23/11	Met-Displacement Program 04/14/11 to 05/23/11 : 180D FAITH BASED PROGRAM
05/23/11	Met-AID Treatment 01/24/11 to 05/23/11 : 400 TUTOR, SUBSTANCE ABUSE
07/20/11	Met-Therapeutic Comm Program 12/17/10 to 04/17/11 : 300
07/20/11	Met-Pra Release Program 10/16/10 to 02/07/11 : 35D ART CLASS
07/20/11	Met-Pra Release Program 04/08/11 to 06/04/11 : 15D MUSIC APPRECIATION
07/16/11	Truist Earned Time 06/16/11 to 07/16/11 : 300
08/14/11	Met-AID Treatment 06/04/11 to 08/14/11 : 300 SUBSTANCE ABUSE
08/14/11	Truist Earned Time 07/16/11 to 08/14/11 : 300
09/23/11	Truist Earned Time 08/14/11 to 09/23/11 : 300
09/23/11	Met-Displacement Program 04/07/11 to 07/23/11 : 300 FAITH BASED PROGRAM
10/13/11	Truist Earned Time 09/13/11 to 10/13/11 : 300
10/13/11	Truist Earned Time 10/12/11 to 10/13/11 : 300
11/12/11	Truist Earned Time 11/12/11 to 12/12/11 : 300
12/12/11	Truist Earned Time 12/12/11 to 01/12/12 : 300
01/14/12	Met-Therapeutic Comm Program 08/14/11 to 01/14/12 : 300
01/25/12	Truist Earned Time 01/14/12 to 01/25/12 : 300
02/19/12	Truist Earned Time 02/19/12 to 03/19/12 : 300
03/19/12	Met-Displacement Program 07/02/11 to 03/19/12 : 300 FAITH BASED PROGRAM
04/05/12	Truist Earned Time 03/19/12 to 04/05/12 : 300
04/10/12	Met-Spiritual Detail 04/11/12 : 300 Long Term AID Program Completion
05/07/12	Met-Therapeutic Comm Program 01/02/12 to 04/04/12 : 300
05/10/12	Met-AID Treatment 04/04/12 to 04/05/12 : 300 SUBSTANCE ABUSE EDUCATION
05/03/12	Truist Earned Time 04/10/12 to 05/03/12 : 300
07/03/12	Truist Earned Time 06/03/12 to 07/03/12 : 300
07/03/12	Truist Earned Time 07/03/12 to 07/03/12 : 300
08/03/12	Truist Earned Time 07/03/12 to 08/03/12 : 300
08/07/12	Truist Earned Time 08/07/12 to 08/07/12 : 300
08/07/12	Truist Earned Time 08/07/12 to 08/07/12 : 300

DATE	DESCRIPTION
12/28/12	Truist Earned Time 10/27/12 to 11/28/12 : 30D
12/28/12	Truist Earned Time 11/28/12 to 12/28/12 : 30D
01/08/13	Met Therapeutic Comm Program 01/07/12 to 11/28/12 : 70D
01/08/13	Truist Earned Time 12/28/12 to 01/08/13 : 30D
02/04/13	Truist Earned Time 01/08/13 to 02/04/13 : 30D
03/08/13	Truist Earned Time 02/04/13 to 03/08/13 : 30D
04/08/13	Truist Earned Time 03/08/13 to 04/08/13 : 30D
05/08/13	Met Therapeutic Comm Program 12/01/12 to 03/08/13 : 40D
06/08/13	Truist Earned Time 04/08/13 to 05/08/13 : 30D
06/08/13	Truist Earned Time 05/08/13 to 06/08/13 : 30D
07/04/13	Truist Earned Time 06/08/13 to 07/04/13 : 30D
07/29/13	Met Therapeutic Comm Program 02/01/13 to 07/29/13 : 30D
08/04/13	Truist Earned Time 07/29/13 to 08/04/13 : 30D
08/04/13	Truist Earned Time 08/04/13 to 08/04/13 : 30D
10/02/13	Truist Earned Time 08/04/13 to 10/02/13 : 30D
10/02/13	Met Therapeutic Comm Program 07/29/13 to 09/30/13 : 30D
11/01/13	Truist Earned Time 10/02/13 to 11/01/13 : 30D
12/01/13	Truist Earned Time 11/01/13 to 12/01/13 : 30D
12/31/13	Truist Earned Time 12/01/13 to 12/31/13 : 30D
01/29/14	Truist Earned Time 12/31/13 to 01/29/14 : 30D
02/11/14	Met Therapeutic Comm Program 10/01/13 to 01/11/14 : 30D
03/01/14	Truist Earned Time 01/11/14 to 03/01/14 : 30D
03/01/14	Truist Earned Time 03/01/14 to 03/01/14 : 30D
04/03/14	Met Therapeutic Comm Program 01/02/14 to 04/03/14 : 30D
04/30/14	Truist Earned Time 03/01/14 to 04/30/14 : 30D
06/30/14	Truist Earned Time 04/30/14 to 06/30/14 : 30D
06/28/14	Truist Earned Time 06/30/14 to 06/28/14 : 30D

**Summary:**

<b>Begin Date</b>	<b>House Arrest Date</b>	<b>Parole Date</b>	<b>ERS Date</b>	<b>Transitive Discharge</b>	<b>Max Discharge</b>	<b>End Date</b>
08/03/2006			08/10/2015	02/12/2018	07/29/2026	
<b>Total Term To Serve: 20Y</b>	<b>Total Earned Time: 2Y</b>	<b>Earned Time Lost: 0D</b>	<b>Total MET Earned: 2Y</b>	<b>Total Truist Time Earned: 6Y 245D</b>		

**Comments:**

THE STATE OF MISSISSIPPI  
COUNTY OF RANKIN

JAN 22 2017

Cause No. 18213

*Indictment for the offense of:*  
**KIDNAPPING §97-3-53**  
**AGGRAVATED ASSAULT §97-3-7(2)**  
**ESCAPE §97-9-49**

**IN THE CIRCUIT COURT OF SAID COUNTY, JULY TERM, 2006**  
Recalled December 19, 2006

This Grand Jurors of the State of Mississippi, taken from the body of good and lawful citizens of said county, elected, summoned, empanelled, sworn and charged to inquire in and for the body of the county aforesaid, at the term aforesaid of the Court aforesaid, in the name and by the authority of the State of Mississippi, upon their oath present that:

**COUNT I**

**STEPHEN D. MONTALTO**, on or about the 4<sup>th</sup> day of November, 2006, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, feloniously, forcibly seize and confine Sean Grace, a human being, with the intent to cause the said victim to be secretly confined or imprisoned against his will; in violation of Mississippi Code Annotated §97-3-53 (1972), as amended; and,

**COUNT II**

And, based upon a series of acts connected together and constituting parts of a common scheme and plan, **STEPHEN D. MONTALTO**, on or about the 4<sup>th</sup> day of November, 2006, in the county aforesaid and within the jurisdiction of this Court, did unlawfully, feloniously, knowingly and intentionally cause or attempt to cause bodily injury to Jennifer Grace, a human being, by causing her to fall on the pavement and wound her left forehead and cause a contusion on the middle of her forehead, while driving a vehicle in a reckless manner, a means likely to produce death or serious bodily injury, in violation of Mississippi Code Annotated Section 97-3-7(2)(1972), as amended; and,

**COUNT III**

And, based upon a series of acts connected together and constituting parts of a common scheme and plan, **STEPHEN D. MONTALTO**, on or about the 4<sup>th</sup> day of November, 2006, in the county aforesaid and within the jurisdiction of this Court, did willfully, unlawfully, and feloniously escape from the custody of the Flowood Police Department, Rankin County, Mississippi, at a time when he was then and there lawfully confined in the custody of said Flowood Police Department, said confinement being by virtue of



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being booked in the jail for the felony crime of Kidnapping and ~~Aggravated Assault~~, in violation of Mississippi Code Annotated §97-9-49 (1972) as amended, and,

All of the above, Count I, Count II and Count III, being against the peace and dignity of the State of Mississippi.

Endorsed: A True Bill

  
Foreman of the Grand Jury

  
Asst. District Attorney

**AFFIDAVIT**

COMES NOW James Buckhalter, Foreman of the July, 2006, Rankin County Grand Jury, and makes oath that this indictment presented to this Court was concurred in by twelve (12) or more members of the Grand Jury and that at least fifteen (15) members thereof were present during all deliberations.

  
FOREMAN OF THE GRAND JURY

SWORN TO AND SUBSCRIBED before me on this 15<sup>th</sup> day  
of January, A. D., 2007.

CAROL SWILEY, CLERK

BY:  D.C.



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A# 142736

EXH  
DSTATE OF MISSISSIPPI  
PRISONER COMMITMENT NOTICE

County of RANKIN

Case No. 18,213

TO THE MISSISSIPPI DEPARTMENT OF CORRECTIONS

You are hereby notified that at the September term, 2008, of the Circuit Court Judge Bill Chapman presiding, the following named person pled guilty, was convicted and sentenced to a term in the state penitentiary, as follows:

I. Name MONTALDO, STEPHEN D  
 SSN 130-72-9167 Race White  
 Last known residence 0  
 Place of birth  
 Alien Registration/Immigration #  
 Sex Male Date of Birth 10/01/1975  
 Alias  
 Country of Citizenship  
 FBI#

II. Crime/Code Length of Sentence Originating Case # Agency  
 KIDNAPPING - COUNT I; AGGRAVATED ASSAULT - COUNT II;  
 ESCAPE - COUNT III \*\*\*\* PLED TO COUNT I & II \*\*\*\*\*  
 97-3-53 20 YRS EA CT C/C 0  
 Date of Crimes NOVEMBER 4, 2006

III. Date of sentence 09/22/2008 Credit for time served  
 To Serve Suspended Probation  
 20 YRS 20 YRS CT II 5 YRS SUPERVISED  
 To run concurrent with case(s)  
 To run consecutive to case(s) 17937  
 Habitual NO Probation Revocation NO RID NO  
 Shock Probation NO Psycho/Psychiatric NO Alcohol/Drug Treatment NO

IV. Date Appealed Disposition Date  
 Confined in Jail to  
 Released on Bond  
 Presently housed in

V. Fine .00 Restitution .00 Court Costs .00 Other .00  
 Conditions or Payment SKR NO. 17937 FOR COSTS

PROCESSED  
 MDOC RECORDS  
 BY *[Signature]*  
 Date 9/25/08

Director of Records  
 Data Operations  
 P O Box 24398  
 Jackson MS 39205

CAROL SWILLEY, CIRCUIT CLERK  
 Circuit Clerk of Rankin County

By: *[Signature]*  
 Date 09/23/2008

INS Liaison  
 Mississippi Supreme Court  
 P O Box 117  
 Jackson MS 39205-0117

SCIS Form 1 4/28/93

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STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
DIVISION OF COMMUNITY CORRECTIONS

Page \_\_\_\_ of \_\_\_\_

## VIOLATION REPORT FORM

Minor: ☒ Major: ☐

TO: DCC Jerry Williams

Name: STEPHEN MONTALTO

MDOC# 142736

STATE Mississippi

Type of Violation: TechnicalLocation: Brandon

Rankin

Date Violation Occurred: 01/09/2015County: ☐ Yes ☒ No

If Jailed, give: Date of Arrest

Place Confined

Describe, in detail, all facts relating to conditions allegedly violated:

Inmate Stephen Montalto was sentenced on 09/22/2008 in Rankin County to serve 20 years for Kidnapping CT I and AGG. Assault CT II charges. Inmate Montalto was placed on ERS 12/20/2014. After being released from prison residence was denied by Rankin County Sheriff's Office on the law of Sex offender Registry. Residence does not meet requirements. Inmate Montalto was given time to try to find a new residence that would meet the requirements of Sex Offender Laws. Inmate Montalto was unable to do so and was taken into custody and returned to CMCF. Violation packet was completed and turn in at R&D at CMCF.

## Recommendation:

- ☒ Refer to court/releasing authority for revocation consideration  
☐ Continue under supervision  
☐ Additional restrictions or guidelines as follows:

violated conditions of ERS.

## Justification:

Residence was denied due to SEX OFFENDER REGISTRY

Supervisor's Signature

Glen McCoy PO III

Field Officer's Name (print/type)

Field Officer's Signature

FORM 000-1  
01/07/01  
Revised 10/07 Effective: 10/1/07

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(MSP) ☐ (CWC) ☐  
 (CWC) ☐ (SMC) ☐  
 (OTHER) Community Corr.

## MISSISSIPPI DEPARTMENT OF CORRECTIONS

## RULE VIOLATION REPORT

RVR# 01092015

(Unit Admin. Init.) \_\_\_\_\_ ERS: \_\_\_\_\_ Unit: \_\_\_\_\_ Cal/Sec: \_\_\_\_\_  
 Zone/Tier \_\_\_\_\_

Offender: STEPHEN MONTALTO MDOC# 142756 Violated Rule # B32 Filled \_\_\_\_\_

violated conditions of ERSd \_\_\_\_\_ Date 1/9/2015 Approx. Time 0700 Hours \_\_\_\_\_

by the specific act of residence was denied ( Sex Offender Registry Laws)

Circumstances and Details \_\_\_\_\_

Residence was denied by Rankin County Sheriff's Office on the law of Sex Offender Registry. Residence does not meet requirements.

Reporting Employee's Signature: [Signature] Title: \_\_\_\_\_ PO# 538881 Date 1/9/2015  
 Residence ☒ No ☐ Yes Located at \_\_\_\_\_ Placed in Seg-PDA ☒ No ☐ Yes - Location \_\_\_\_\_

I request investigation and witness(es) ☒ No ☐ Yes Witness(es) I n/a \_\_\_\_\_ I waive the right to a hearing ☒ No ☐ Yes

Accused: STEPHEN MONTALTO Del. Employee: [Signature] Date 1/9/2015 Time 0800 hours

Unless waived, you are hereby notified that a hearing will be held within no less than 24 hours and no more than seven (7) working days in the appropriate hearing office.

Held by: ☐ Disciplinary Committee ☐ Hearing Officer  
 Working days between date of violation and hearing \_\_\_\_\_ If more than seven (7) working days, explain: \_\_\_\_\_

First Full Name of Person at Hearing - Accused STEPHEN MONTALTO Chairperson \_\_\_\_\_

Member \_\_\_\_\_ Member \_\_\_\_\_ Member \_\_\_\_\_

Other \_\_\_\_\_

Accused ☐ Admit ☐ Deny \_\_\_\_\_ Accepted Statement: \_\_\_\_\_

Documents read and discussed: RVR ☐ Investigation ☐ Witness(es) Statement ☐  
 Other (specify) \_\_\_\_\_

Findings: ☐ Guilty ☐ Not Guilty Punishment, if Guilty \_\_\_\_\_

Reason(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

CHAIRPERSON HEARING OFFICER  
 Disciplinary Committee Members: \_\_\_\_\_

Appeal may be filed with Institutional Superintendent within 15 days after receipt of disciplinary decision. Date: \_\_\_\_\_

Offender Signature: STEPHEN MONTALTO Date: \_\_\_\_\_

Signature of Reviewing Warden/Designee: \_\_\_\_\_ Date: \_\_\_\_\_

Loss of Earned Time ☐ Approved ☐ Disapproved

Commissioner of Corrections or Designee

Original with All Attachments - Records \_\_\_\_\_ 1st Copy - Offender \_\_\_\_\_ 2nd Copy - Working File \_\_\_\_\_ 3rd Copy - Reporting Employee \_\_\_\_\_

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(MSP) ☐ (CWC) ☐  
 (CMCP) ☐ (SMCI) ☐  
 (OTHER) Community Corr.

## MISSISSIPPI DEPARTMENT OF CORRECTIONS

E-3

## RULE VIOLATION REPORT

RVR# 01092015

(Off Admin Unit) \_\_\_\_\_ (Zone/Room) \_\_\_\_\_ (Unit) \_\_\_\_\_ (Cell/Block) \_\_\_\_\_  
 Offender: STEPHEN MONTALTO MDOC# 142736 Violation Rule # 1352 Entitled  
 violated conditions of ERSa Date: 1/9/2015 Approx. Time 0700 hours  
 by the specific act of residence was denied (Sex Offender Registry Laws)

## Circumstances and Details

Residence was denied by Rankin County Sheriff's Office on the law of Sex Offender Registry. Residence does not meet requirements.

Reporting Employee's Signature: [Signature] Title: \_\_\_\_\_ FOHI PIN# 538881 Date: 1/9/2015  
 Residence ☒ No ☐ Yes Located at \_\_\_\_\_ Placed in Seg. PDA ☒ No ☐ Yes - Location \_\_\_\_\_

I request investigation and witness(es) ☒ No ☐ Yes Witness(es) 1) n/a  
 I waive the right to a hearing ☒ No ☐ Yes  
 Accused: STEPHEN MONTALTO Del. Employee: [Signature] Date: 1/9/2015 Time: 0800 hours

Unless waived, you are hereby notified that a hearing will be held within no less than 24 hours and no more than seven (7) working days in the appropriate hearing office.

Held by: ☐ Disciplinary Committee ☒ Hearing Officer

Working days between date of violation and hearing: 12

If more than seven (7) working days, explain: the paperwork

sent to Central office for review 24 hr notice. holding processed in the order released.  
 Print Full Name of Persons at Hearing - Accused: STEPHEN MONTALTO

Chairperson: K. Cooper

Member: \_\_\_\_\_

Member: \_\_\_\_\_

Member: \_\_\_\_\_

Other: \_\_\_\_\_

Other: N/A

Accused ☐ Admit ☒ Deny

Accused Statement: Not Guilty due to the

residence I was released to was  
approved for MDOC requirements and  
sex offender registry.

Documents read and discussed: RVR ☒ Investigation ☐ Witness(es) Statement ☐

Other (specify): warrant, violation report,

Findings: ☒ Guilty ☐ Not Guilty Punishment, if Guilty: revoke ERS, Reclassification

Based on the reporting officer's report and evidence presented at  
hearing.

Signature: K. Cooper

Date: 1/29/15

CHAIRPERSON/HEARING OFFICER  
 Disciplinary Committee Members: N/A

Appeal may be filed with Institutional Superintendent within 15 days after receipt of disciplinary decision.

Offender Signature: [Signature]

Date: 1/29/15

Signature of Reviewing Warden/Designee: [Signature]

Date: 1/29/15

Loss of Earned Time ☐ Approved ☐ Disapproved

Commissioner of Corrections or Designee

Original with All Attachments - Records

14 Copy - Offender

224 Copy - Working File

24 Copy - Reporting Employee

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STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
MARSHALL FISHER  
COMMISSIONER

Ronald King, Superintendent  
Central Mississippi Correctional Facility

Post Office Box 9559  
Pearl, Mississippi 39288  
(601) 932-2828

CENTRAL MISSISSIPPI CORRECTIONAL FACILITY  
DISCIPLINARY DEPARTMENT

Date: 1/29/15

HEARING OFFICER: Katrina Cooper

Consideration:  
OFFENDER: Stephen Montalto

MEOC # 142736

RVR LOG #: 01092015

RULE #: B-32

ENTITLED: FAILURE TO ABIDE BY THE STATEMENT OF CONDITIONS OF  
RELEASE FOR ERS/EARNED RELEASE SUPERVISION  
HEARING PROCESS RESULTS

Offenders Plea \*\*\*\*\* Guilty \*\*\*\*\* Guilty with Modification \*\*\*\*\* Not Guilty

Hearing Officers Decision \*\*\*\*\* Guilty \*\*\*\*\* Not Guilty

Disposition:

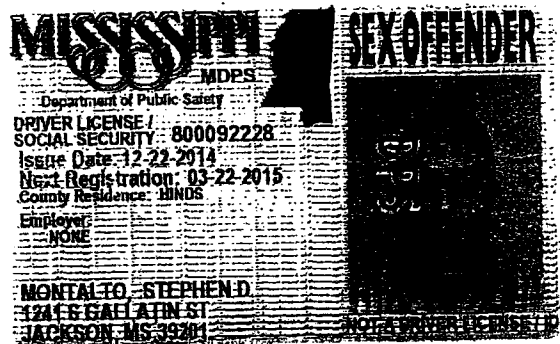
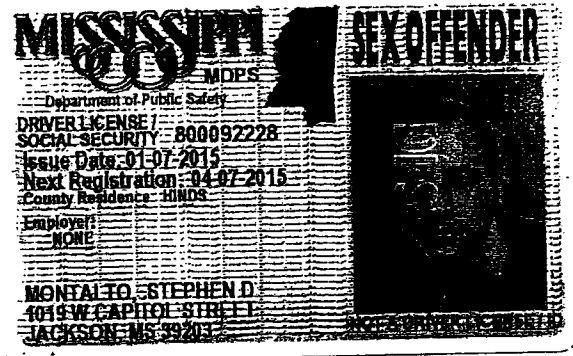
Revoke ERS  
Reclassification

This Action was Approved X Disapproved \_\_\_\_\_

Disciplinary Hearing Officer Katrina Cooper

Tape CNO side B

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EXH



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ARP-2

**MISSISSIPPI DEPARTMENT OF CORRECTIONS**  
**Administrative Remedy Program**

Ex  
6

**EMCF-15-494**

**FIRST STEP RESPONSE FORM**  
**For RVRs**

You must return your response to the Legal Claims Adjudicator within 30 days of the date you signed for this request.

Offenders' Name and #: **Stephen Montalto #142736**  
Unit: **EMCF**

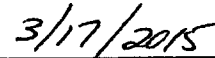
1<sup>st</sup> Step Respondent: **Christy Gutherz**  
Title: **Community Corrections Director Region II**

---

Your request for Administrative Remedy concerning your appeal of RVR# 01092015, Failure to complete the conditions of ERS has been investigated by the Administrative Remedy Program. State Statute reflects that your offense (kidnapping of a minor) is classified as a sex offense and you are therefore ineligible for ERS, MET and Trusty time.

Your request for reinstatement of trusty time, ERS and MET is denied.

  
Signature

  
Date

---

The above named inmate has fulfilled the requirements of the Administrative Remedy Program for an RVR appeal and is eligible to seek judicial review within 30 days of receipt of this First Step Response.

---

Inmate's Signature MDOC # Date



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ARP FORM

**MISSISSIPPI DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REMEDY PROGRAM**

CASE NUMBER

FROM: Stephen Montalto  
Inmate Name

142736  
MDOC #

E.M.C.F. 2A-107  
Unit

DATE: 2/10/15

This is a Request for Administrative Remedy RUR: APPEAL

I was registered as a Sex offender on 12-4-14 along with the Rankin County residence of Barbara Montalto before my release from prison, in accordance with Sex offender registry law § 45-33-27(2). This took place at E.M.C.F. by Administrator Tyrone Hersey, and the paperwork was sent to M.D.C. and was approved. I was released from prison on Saturday 12/20/14, and appeared at the Department of Public Safety within the 3 day time frame, on Monday 12/22/14, to acquire my Sex offender registration ID card. However, DPS did not have my pre-release Sex offender registry paperwork that M.D.C. was supposed to forward to them as required by the above law. Therefore, DPS directed me to the Rankin County Sheriff's office to re-register before they could issue me a Sex offender registry ID card.

The Sheriff's office informed me, on 12/22/14, that I could not live at the ERS residence of Barbara Montalto because it was too close to the YMCA and park. Officer Lovett of the Rankin County Sheriff's Department and ERS officer McCoy had erred in approving the Rankin County residence before my release from prison by failing to measure the distance of the residence to the YMCA and park to make sure it was at least 3,000 feet away and met Sex offender registry law § 45-33-25. The residence of Barbara Montalto is not more than 3,000 feet from the YMCA and park. However, it was approved for my release and is the residence on my ERS Certificate and pre-release Sex offender registry paperwork, and was the residence I was released to on 12/20/14. It then became the very same Rankin County residence the Sheriff's office denied on 12/22/14, 2 days after my release from prison.

\* See Next page for Continuation, please.

Offender Signature: Stephen Montalto



The residence check error of officers Lovett and McCoy cannot be blamed on me. They were fully notified before my release to check the residence of Barbara Montalto 1075 Windrose Dr. Brandon, MS. 39047 for ERS and Sex offender requirements and all requirements were approved i.e. Exhibit A Release County - RANKIN, passed ERS Audit 11-19-14, NCIC 11-7-14, Analyst Raven Henderson 12-1-14 Submitted this residence and Sex offender, Date Check registered 12-5-14, Certified mailed 12-8-14, ERS Scheduled release 12-20-14. Any claim that the officers were unaware to check for Sex offender registry is inexcusable and untrue.

Field officer McCoy's RUC and report stated circumstances and details that omitted the fact that the residence was approved for my release. Their argument would insinuate that M.D.O.C. let me out without an approved residence. M.D.O.C. policies gives strict guidelines for Earned Release Supervision which include a residence investigation. This means before I was released a field officer signed off in approval of the residence that I was released to.

There also appeared to be police malfeasance and a conflict of interest. Officer Lovett was my arresting officer for the kidnapping charge and has since then become the officer over Sex offender registry for the Rankin County Sheriff's Department. Having to report to him put me at a severe disadvantage. His account of the 11/4/06 kidnapping was very different from what actually occurred. Now it appeared that his agenda was to violate my ERS from the first day I reported to him on 12/22/14. This is evident by his residence denial foul up that I'm being blamed for, and the fact that on 12/22/14, he gave me only until that evening to find, obtain, and register a new residence that was within the legal limits. This is unreasonable when M.D.O.C. gives 90 days to furnish a residence from within the system.

Nevertheless, I fully complied with officer Lovett's instructions. He placed me under the guidance of officer Burton of

Hinds County over Sex offenders and I obtained legal residence in Hinds County at the Billy Brumfield House on 12/22/14 and the Exodus House on 1/7/15. \*Exhibit B Sex offender registration Identification Cards for both dates and residences. Officer Burton approved the residences for up to 3 months while he guided me toward more permanent housing. He also directed me to transfer my ERS from Rankin to Hinds County and ERS officers Gibbons and McCoy agreed to do the transfer. I also relayed the message from officer Burton to the ERS officers that if they had any doubts or concerns to call him. \*Due to time constraints I was unable to contact officer Burton and obtain an affidavit for this ARP. He is available as a witness for future reference.

I made an appointment with ERS officer Gibbons for 1/9/15 at 7:30 A.M. to transfer my ERS to Hinds County. Officer Gibbons was not present when I first arrived at 7:30 A.M. on 1/9/15. I was seen by officer McCoy instead who changed his mind and decided he would not do the transfer to Hinds County. First he said he didn't approve of the "Exodus" Halfway House because he mistook it to be federally funded, which it is not. Therefore a sex offender can live there. He changed his mind about doing any transfer to Hinds County, for I could still live at the shelter or a friend's house.

Instead he brought back up the Rankin County Sheriff's denial of the ERS residence of Barbara Montal to at Rankin County that I was released to. He said, "you should not have been released to that residence." I pleaded, "but you were the officer who approved the residence before my release." The fact that officer McCoy and the Rankin County Sheriff's Department determined I could not live there after they already approved the Rankin County residence was the whole reason we were doing the transfer to Hinds County. Officer McCoy said, "I'm losing sleep over this. They're not going to blame this on me. I like my little job and versa." He said he was letting another department handle it and that I would get a new residence

approved quickly from inside the system and be released once again on earned release supervision.

ON 1/9/15, I was returned from ERS due to officer McCoy's error and residence denial RVR. From 1/9/15 to 1/23/15, more than 7 working days had passed and I did not receive a disciplinary hearing on that RVR. On 1/23/15, at my Classification hearing, MS. Evans was told by the disciplinary officer MS. Cooper that there was a note with the RVR that said do not hold RVR against offender. This note was misleading and only gives a false impression of being in my favor when it has actually caused severe harm and prejudice. The RVR was used to wrongfully arrest and strip me of my freedom and detain me under false pretense, while the records department tampered with my time sheet, that changed both the charge and NCIC code I was originally sentenced under. C.M.C.F. and M.D.O.C.'s failure to follow the proper steps of the RVR disciplinary process have caused serious Constitutional Due process and Civil Rights violations. These violations have changed my time sheet and sentence without a proper hearing.

My time sheet was altered on 1/14/15 at 14:08 (twice) before my disciplinary hearing on 1/29/15 and before the Classification hearing on 1/23/15. See time sheet Exhibit C. Disciplinary officer MS. Cooper stated that a 1/16 review and holiday was the reason for having the hearing late and beyond 7 working days, but that is false. A review was requested and a report was submitted by Classification officer MS. Evans on 1/23/15. This was also beyond 7 working days from 1/9/15 RVR. Therefore, my due process rights were violated in respect to the time sheet alteration and the order and time frame of both Classification and disciplinary hearings. The correct order is supposed to be disciplinary hearing, revocation hearing, then re-classification.

residence was denied by the Rankin County Sheriffs office due to (Sex offender Registry laws). It is illogical and unjust for me to be found guilty. My RVR asserts I Violated the rules because my residence was denied. I Violated no rules. M.D.O.C. obviously did not follow appropriate policy and procedure as specifically detailed in MDOC SOP # 15-04-01. It was approved, then denied, which is an error by M.D.O.C. This is something the RVR and reports fail to include. M.D.O.C. would not have released me from prison without an approved address. I registered twice to approved addresses - approved by officer Lovett from Rankin County and officer Burton from Hinds County and I was issued 2 Separate registry cards.

This RVR is listed as a technical Violation, See attached Exhibit D Pursuant to MCA § 47-7-37(5), I face up to 90 days in a technical Violation or restitution center. Contrarily, on 1/14/15, the records Department drastically changed my time sheet against me without a disciplinary, classification, revocation, or court ordered hearing. My original Charge of Kidnapping was changed to Kidnap of minor and all my trusty status and meritorious earned time associated with the Kidnapping and aggravated assault charges that are ran concurrent was taken away. See Exhibit E my time sheets from 10/28/2014 &

Before ERS on 12/20/14 Stated: 04/03/2014

Offense	Computation Date	Description
099: Kidnap	11/17/08	Into Trusty Status 10/28/08 in T/S open C-Custody

Offense	See Exhibit F my time sheets after ERS: 1/14/2015 & 14:08	
099: Kidnap	&	1/14/2015 14:08

Offense	Computation Date	Description
005: Kidnap	11/17/08	Into Trusty Status 10/28/08 in T/S open C-Custody
Minor	11/18/08	Out of Trusty Status 10/28/08 N.E. TET Due to Kidnapping minor Sex offender.

I was never Classified out of Trusty Status on 10/28/08 with a Computation Date of 11/18/08. This is false and a manipulation of my true record that was done on 1/14/15 without due process of law. I have been in Trusty Status since 10/28/08 through my ERS date of 12/20/14. This allowed me to be classified into multiple jobs and receive earned time for many classes. The Kitchen, tutor, and library Jobs I performed from 2009 through 2014 would not have been permitted had I actually been Classified out of Trusty Status as errantly reconfigured. This proves time sheet tampering by the records department which is illegal.

MDOC is not allowed or authorized to unilaterally alter the NCIC offense code to make the offense include elements that were not present in my original indictment or plea hearing. See indictment Exhibit G. My indictment did not include, and therefore, I was never charged, with Kidnapping of a minor. I was only convicted of Kidnapping with having to register as a part of the plea bargain. MDOC unilaterally altered the NCIC Code under which my conviction was listed which is a violation of my due process rights, and it also results in deprivation, illegally, of my earned time status.

#### RELIEF REQUESTED:

I humbly pray that the Judgment of RVR#01092015 be appropriately reversed to not Guilty due to officer and MDOC error and no fault of my own. Also that my record and time sheet be restored to its original form before the 1/14/15 manipulation of charge and NCIC code and withdrawal from Trusty Status. This means, the charge of 1099: Kidnapping that I was sentenced under be put back on my record and time sheet to replace the 1005: Kidnap of minor charge that was illegally switched in and



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## EXHIBITS By ORDER

A - RESIDENCE APPROVAL LIST

B - SEX OFFENDER REGISTRY CARDS \* Due to  
time constraints I was unable to obtain them for ACP.  
They are available for future reference.

- PRE RELEASE SEX OFFENDER PAPERWORK.

C - 1/14/15 TIME SHEETS NCIC Time  
1099: Kidnapping 14:08  
- NCIC Offense Code listing 1005: Kidnap of Minor 14:08

D - TECHNICAL VIOLATION REPORT and MCA  
§ 47-7-37  
Time NCIC (5)(a).

E - 10/28/2014 10:35 1099: Kidnapping  
- 04/03/2014 16:23 1099: Kidnapping

F - Same AS C

G - Kidnapping INDICTMENT and PRISONER COMMITMENT  
NOTICE.

H - RVR, DISCIPLINARY RVR, Officers Report, Warrent  
for Earned Release Prisoner

I - TIME ELIGIBILITY AUDIT by Chief Records  
Officer Alicia Box 7/01/14.

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Residence Approval

EXHIBIT A. Barbara Montalto 1075 Windrose Dr,  
Brandon, MS. 39047.

RELEASE COUNTY - RANKIN

Passed ERS AUDIT 11-19-14

NCIC 11-7-14

Analyst Raven Henderson 12-1-14 Submitted  
this residence and Sex offender.

Date check registered 12-5-14

Certified mailed 12-8-14

ERS Scheduled release 12-20-14.

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# **MISSISSIPPI DEPARTMENT OF TRANSPORTATION SEX OFFENDER REGISTRY ACKNOWLEDGEMENT OF CONVICTED SEX OFFENDER'S DUTY TO REGISTER**

Petrant to the provisions of Mississippi Code Ann. § 45-33-21 et seq., the undersigned have been informed that all convicted sex offenders required to register with the Mississippi Sex Offender Registry (MSOR) must do the following:

- SM 1. Report all addresses where you abide, lodge, reside or remain at between the hours of 10:00 p.m. and 6:00 a.m. for a period of seven (7) or more consecutive days.
- SM 2. Report any change of address by personally appearing at a DPS Driver's License station not less than ten (10) days before changing address. This includes change of address when moving out of state. When moving out of state, you must comply with any registration requirements of the new state.
- SM 3. Register in any state where the person is employed, carries on a vocation, is stationed in the military, is a student, or a temporary resident.
- SM 4. Report any change in status of enrollment, employment, vocation, or volunteer work at any public or private education institution, including any primary or secondary school, trade or professional institution, or institution of higher learning, by personally appearing at a DPS Driver's License station within three (3) business days of the change.
- SM 5. Report any change of name, vehicle information, internet identifiers or employment by personally appearing at a DPS Driver's License station within three (3) business days of the change.
- SM 6. If you volunteer with an organization in which volunteers have direct, private or unsupervised contact with minors, you are required to notify the organization at the time of volunteering that you have been convicted of a sex offense.
- SM 7. If you are employed in any position or contract with a person to provide personal services, where the position brings you into regular contact with children, you are required to notify in writing the employer or the person with whom you have contracted that you have been convicted of a sex offense.
- SM 8. You are prohibited from residing within three thousand (3,000) feet of the real property comprising a public or nonpublic elementary or secondary school or a childcare facility, a residential child caring agency, a children's group care home or any playground, ballpark, or other recreational facility utilized by persons under the age of eighteen (18) years. Refer to Mississippi Code Ann. § 45-33-25(4) for full text of law.
- SM 9. You are prohibited from being present in or within five hundred (500) feet of a school building or school property while persons under the age of 18 are present. Refer to Mississippi Code Ann. § 45-33-26 for full text of law.
- SM 10. You are required to notify the DPS if you are committed to a mental institution for a reason other than initial confinement following acquittal by reason of insanity for a sex offense. The offender, offender's guardian or conservator, or the administrator of the institution is authorized to provide the notification.
- SM 11. Report any erroneous information listed about you in the Sex Offender Registry to the DPS by mail, telephone or email.
- SM 12. Reregister by personally appearing at a DPS Driver's License station every ninety (90) days. Reregistration includes the submission of current information and photograph to the department and the verification of registration information, including the street address and telephone number of the registrant; name, street address and telephone number of the registrant's employment along with any other registration information that may need to be verified and payment of any required fees.
- SM 13. Failure to re-register at a Driver's License station, or forgery or submission of information under false pretenses, will result in automatic suspension of your driver's license and is a felony punishable by fine of not more than \$5,000.00 or imprisonment in the state penitentiary for not more than five years, or both.
- SM 14. Offenders must advise MDPS twenty-one (21) days in advance if they plan to travel internationally. This must include an itinerary of countries to be visited and dates of visitation.
- SM 15. You are required to provide any passport, immigration or professional license documents to DPS at the time of registration/reregistration for scanning.
- SM 16. During a declaration of emergency, offenders must provide the management of an emergency shelter, the sheriff and Chief of Police of the county/municipality in which the shelter is located, the offender's full name, date of birth, social security number and last address prior to emergency declaration.
- SM 17. If you intend to visit a public beach or public campground you must first seek permission from the Director of MSOR.
- SM 18. Read, initial each line and sign this form verifying that these registration duties have been explained to you.

Print Name of Offender: Stephen Montalto

Signature of Offender: Stephen Montalto

Date: 12-4-14

Registering Agency: East Miss. Correctional Facility

Phone: 601-485-8255

Signature of Person Accepting Registration: James Henry

POST OFFICE BOX 958 • JACKSON, MISSISSIPPI 39205-0958 • TELEPHONE: 601-987-1540 • FAX: 601-933-2695 • EMAIL: [msor@dpss.ms.gov](mailto:msor@dpss.ms.gov)

(Rev 12/13)



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EXH  
B

**MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY**  
**RESPONSIBLE AGENCY CONVICTED SEX OFFENDER REGISTRATION FORM**

COMPLETED BY: ☐ MDOC ☐ SHERIFF ☐ MENTAL INSTITUTION ☐ COURT

PLEASE PRINT:

Name: Stephen Mentalto Social Security No: 130. 92. 9167Driver's License/ID card No. and State: \_\_\_\_\_ Date of Birth: 10.01.45Passport/Immigration No: \_\_\_\_\_ Place of Birth: Poughkeepsie, NY

Professional License No: \_\_\_\_\_ Type: \_\_\_\_\_

Race: WH Sex: M Height: 5.7 Weight: 205 Eye color: Blue Hair color: BrownScars, Marks, Tattoos: NTA

Primary Residential Street Address			
<u>1075 Windrose Drive</u>			
City	State	Zip Code	County
<u>Brandon</u>	<u>MS</u>	<u>39047</u>	<u>RANKIN Co.</u>
Is your residence within 3000 feet of a public or nonpublic elementary or secondary school or a childcare facility, a residential child care agency, a children's group care home or any playground, landmark of other recreational facility utilized by persons under the age of eighteen (18) years. (Yes/No) If yes, this may be prohibited per § 43-33-25(4)(a).			
Secondary/Temporary Residential Street Address			
City	State	Zip Code	County
Mailing Address (if different from Primary Residential Address above)			
City	State	Zip Code	County
If your residence is a mobile home, trailer, motor vehicle or manufactured home provide the following:			
VIN#	License #	Reg #	Description
If your residence is a vessel or houseboat, provide the following:			
Name of vessel	Hull ID#	Serial #	Reg #
Description			
Employer (Paid or Unpaid)		Date of employment	
Employer Street Address			
City	State	Zip Code	County
Are you: <input type="checkbox"/> Employed <input type="checkbox"/> Volunteer <input type="checkbox"/> Student at Educational/Trade School, Professional Institute or Institution of Higher Education in MS: <input type="checkbox"/> YES <input type="checkbox"/> NO			
If yes, School Name:			
City	State	Zip Code	County
Vehicle Make/Model/Color		License Tag State & Number	Where is vehicle kept?
Vehicle Make/Model/Color		License Tag State & Number	Where is vehicle kept?
Home Phone	Work Phone	Cell Phone	Other
Internet Screen Name, Instant Message, Email Address, etc.			
If planning international travel list countries and dates of visitation.			
Other Information:			

\*\*\*YOU MUST COMPLETE BOTH SIDES OF THIS FORM\*\*\*

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**MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY**  
**RESPONSIBLE AGENCY CONVICTED SEX OFFENDER REGISTRATION FORM**

PLEASE PRINT

Crimes for which responsible (Give details below)

☒ 97-3-53 Relating to kidnapping, if the victim was below age of eighteen (18)

☐ 97-3-55 Relating to rape

☐ 97-3-77 Relating to rape and assault with intent to ravish

☐ 97-3-95 Relating to sexual battery

☐ 97-5-5 Related to enticing a child for prostitution, prostitution or marriage

☐ 97-5-23 Relating to the touching of a child, or a mentally defective, incapacitated or physically helpless person for lustful purposes

☐ 97-5-27 Relating to the dissemination of sexually oriented material to children

☐ 97-5-33 Relating to the exploitation of children

☐ 97-5-41 Relating to the carnal knowledge of stepchild, adopted child or child of a cohabiting partner

☐ 97-29-3 Relating to adultery or fornication between teacher and pupil

☐ 97-29-59 Relating to unnatural intercourse

☐ 43-47-18 Relating to sexual abuse of a vulnerable person

☐ 97-3-54.1(1)(c) Relating to procuring sexual servitude of a minor

☐ 97-3-54.3 Relating to aiding, abetting or conspiring to violate Section 97-3-54.1(1)(c)

☐ 97-29-61(2) Relating to voyeurism when the victim is a child under sixteen (16) years of age

☐ 97-29-63 Relating to filming another without permission where there is expectation of privacy

☐ 97-29-45(1)(a) Relating to obscene electronic communication

☐ 97-3-104 Relating to the crime of sexual activity between law enforcement, correctional or custodial personnel and prisoners

☐ 97-5-39(1)(c) Relating to contributing to the neglect or delinquency of a child, felonious abuse or battery of a child, if the victim was sexually abused

☐ 97-1-7 Relating to attempt to commit any of the above-referenced offenses

☐ Any offense committed in another jurisdiction, which would be considered one of the above in MS

☐ Any offense committed in another jurisdiction for which registration is required in that jurisdiction

☐ Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this section

☐ 43-33-23(g)(xg) Capital murder when one (1) of the above described offenses is the underlying crime

Details of the offense (do not include name of victim): I perceived a child to be in danger or hurt and protected the child and brought him to the police for help.

Arrest Date: 11 Conviction Date: 11 Court of Conviction: Rankin Co. Circuit State of Conviction: MS

Are you currently on probation/parole? ☐ Yes ☐ No If yes, ☐ Fed ☐ State MCA §43-33-45 Electronic Monitoring/Tracking ☐ Yes ☐ No

Probation Officer Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Do you have any outstanding arrest warrants? ☐ Yes ☐ No If yes, where? \_\_\_\_\_

Have you ever been required to register as a convicted sex offender in another state? ☐ Yes ☐ No If yes, where? \_\_\_\_\_

Have you been designated a sexual predator or sexually violent predator in another state? ☐ Yes ☐ No If yes, State? \_\_\_\_\_

Have you ever been adjudicated delinquent? ☐ Yes ☐ No If yes, where? \_\_\_\_\_

FBI# \_\_\_\_\_ MDOC# 442136 DNA# \_\_\_\_\_

## Victim Information

Victim #1: Age: 2 1/2 Sex: ☒ Male ☐ Female Use of Force against victim? ☐ Yes ☒ No Age of Offender at time of offense: 2 1/2

Victim #2: Age: \_\_\_\_\_ Sex: ☐ Male ☐ Female Use of Force against victim? ☐ Yes ☐ No Age of Offender at time of offense: \_\_\_\_\_

Print Name of Offender: Stephen MontaltoSignature of Offender: [Signature] Date: 12-4-14Registering Agency: East Miss. Correctional Facility Phone: 601-485-5255Signature of Person Accepting Registration: [Signature]

Check required enclosures: ☐ Acknowledgement form ☐ Conviction/Outstanding order ☐ Photograph ☐ Fingerprint  
 Biological Sample sent to MS Crime Lab ☐ Yes ☐ No

For questions or information, contact the Sex Offender Registry  
 P.O. Box 958, Jackson, MS 39205-0958  
 Phone: (601) 987-1540 Fax: (601) 933-2695 Email: [msor@ids.mt.ms.gov](mailto:msor@ids.mt.ms.gov)

EXH  
B

# Mississippi Department of Corrections



## Certificate of Earned Release Supervision

The Mississippi Department of Corrections has determined that the inmate listed below and sentenced to the Mississippi Department of Corrections is eligible for Earned Release Supervision pursuant to § 47-5-138 of Mississippi Code. That there is a reasonable probability that said inmate WILL REMAIN AT LIBERTY WITHOUT VIOLATING THE LAWS, and it being the opinion of the Mississippi Department of Corrections that the release of this inmate is not incompatible with the welfare of society. It is ORDERED by the Commissioner of Corrections that the inmate be RELEASED from the MISSISSIPPI DEPARTMENT OF CORRECTIONS on December 20, 2014. That said inmate is to remain within the boundaries of Rankin County, as designated by the Mississippi Department of Corrections, until one of the following occurs: (1) properly transferred by the Mississippi Department of Corrections, (2) expiration of sentence, or (3) other action as deemed appropriate by the Mississippi Department of Corrections.

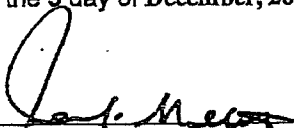
Name: Stephen Montalto

MDOC Number: 142736

**Approved Residence**

Residence of	Barbara Montalto
Address	1075 Windrose Drive
City, State, Zip	Brandon, MS 39047
Telephone No.	601-321-9421
Relation to	

Witness my signature and seal, this the 5 day of December, 2014.

  
Commissioner or designee

EXH  
CMississippi Department of Corrections  
Sentence Computation Record

Offender: MONTALTO, STEPHEN 142736

Housing: CMCF, CMCF 720, BLD C, ZONE A, BED 0010

Computation Date: 01/14/2015 14:08

Computation Reason: Error Correction

Date Printed: 01/14/2015 10:26

## Sentences:

DOE	CAUSE/COUNT	OFFENSE	COMMITTED	COUNTY	SERVE	HOUSE	PROBATION HAS	DEFERRED	OVERRIDE	CONCURRENT	CONSECUTIVE
08/22/08	17,837/1	1315:AGGRAVATED ASSAULT	08/22/08	Rankin	20Y		N			17,837/1	
08/22/08	17,837/2	1315:AGGRAVATED ASSAULT	08/23/08	Rankin			N				
08/22/08	18,213/3	1088:KIDNAP-	11/04/08	Rankin	20Y		N				
08/22/08	18,213/4	1315:AGGRAVATED ASSAULT	11/04/08	Rankin	8Y		N			18,213/3	

First Time Offender

## Pre Trial/Pre Sentence Jail Time:

FROM	TO	DAYS
08/22/08	08/23/08	1
08/24/08	08/22/08	80
10/1/08	10/13/08	2
10/24/08	08/22/08	888
Total Jail Time: 781		

Overrides:

## Computation Details:

DATE	DESCRIPTION	HOUSE ARREST	PAROLE	ERS	TENTATIVE	MAX
08/22/08	Sentence begin = 08/22/08 - 781D jail time = 08/03/08					
08/22/08	17,837/1 1315:AGGRAVATED ASSAULT 20Y (15% of 20Y-781D = 2Y 248D)			11/24/23	07/29/26	07/29/26
08/22/08	17,837/2 1315:AGGRAVATED ASSAULT 20Y (15% of 20Y-781D = 2Y 248D)			11/24/23	07/29/26	07/29/26
08/22/08	18,213/3 1088:KIDNAP- 20Y CO with 17,837/1 (15% of 20Y-781D = 2Y 248D)			11/24/23	07/29/26	07/29/26
08/22/08	18,213/4 1315:AGGRAVATED ASSAULT 20Y (15% of 20Y-781D = 2Y 248D)			11/24/23	07/29/26	07/29/26
10/1/08	Into Truly Status 10/28/08 (Applied 0D) IN TIS OPEN C-CUSTODY			11/24/23	07/29/26	07/29/26
10/1/08	Out of Truly Status 10/28/08 (Applied 0D) N.E. TET DUE TO KIDNAPPING MINOR SEX OFFENDER			11/24/23	07/29/26	07/29/26
08/27/08	Mail Unit Support/Camp Support 04/01/08 to 08/31/08 (Applied 0D) LIBRARY POD ORDERLY 20 DAYS N.E. DUE TO IN TIS FOR A JOB.			11/24/23	07/29/26	07/29/26
08/24/08	Mail-Displeasip Program 01/07/08 to 03/31/08 (Applied 0D) 28 DYS N.E.			11/24/23	07/29/26	07/29/26
08/24/08	Mail-Displeasip Program 08/01/08 to 08/08/08 (Applied 0D) 22 DYS N.E.			11/24/23	07/29/26	07/29/26
12/28/08	Mail-Pre Release Program 10/01/08 to 12/28/08 (Applied 0D) FATHERHOOD INITIATIVE PROGRAM 20 DYS N.E.			11/24/23	07/29/26	07/29/26
02/23/10	Mail-Pre Release Program 12/28/08 to 01/18/10 (Applied 0D) COGNITIVE SKILLS 7 DYS N.E.			11/24/23	07/29/26	07/29/26
02/23/10	Mail-ADD Treatment 01/18/10 to 02/18/10 (Applied 0D) 10 DYS N.E.			11/24/23	07/29/26	07/29/26
06/07/10	Mail-ADD Treatment 02/20/10 to 03/21/10 (Applied 0D) 10 DYS N.E.			11/24/23	07/29/26	07/29/26
06/07/10	Mail-Pre Release Program 03/22/10 to 03/28/10 (Applied 0D) STRESS MANAGEMENT CLASS 2 DYS N.E.			11/24/23	07/29/26	07/29/26
07/28/10	Mail-Displeasip Program 04/01/10 to 07/01/10 (Applied 0D) 30 DYS N.E.			11/24/23	07/29/26	07/29/26
01/24/11	Mail-Displeasip Comm Program 08/16/10 to 12/18/10 (Applied 0D) 30 DYS N.E.			11/24/23	07/29/26	07/29/26
05/31/11	Mail-ADD Treatment 01/03/11 to 05/03/11 (Applied 0D) FAITH BASED PROGRAM 180 DAYS N.E.			11/24/23	07/29/26	07/29/26
07/06/11	Mail-Displeasip Comm Program 12/17/10 to 08/17/11 (Applied 0D) TUTOR- SUBSTANCE ABUSE 40 DAYS N.E.			11/24/23	07/29/26	07/29/26
07/31/11	Mail-Pre Release Program 10/18/10 to 02/07/11 (Applied 0D) ART CLASS 36 DAYS N.E.			11/24/23	07/29/26	07/29/26
07/31/11	Mail-Pre Release Program 04/08/11 to 08/01/11 (Applied 0D) MUSIC APPRECIATION 18 DYS N.E.			11/24/23	07/29/26	07/29/26
08/12/11	Mail-ADD Treatment 08/04/11 to 08/04/11 (Applied 0D) SUBSTANCE ABUSE 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
08/12/11	Mail-ADD Treatment 08/04/11 to 08/04/11 (Applied 0D) SUBSTANCE ABUSE 30 DAYS N.E.			11/24/23	07/29/26	07/29/26

DATE	DESCRIPTION	HOUSE ARREST	PAROLE	ERS	TENTATIVE	MAX
01/26/12	Met-Therapeutic Comm Program 08/04/11 to 01/04/12 [Applied OD] 60 DAYS N.E.			11/24/23	07/29/26	07/29/26
04/06/12	Met-Diagnostic Program 07/02/11 to 03/30/12 [Applied OD] PATH BASED PROGRAM 80 DAYS N.E.			11/24/23	07/29/26	07/29/26
04/17/12	Met-Special Detail 04/11/12 [Applied OD] Long Term A&D Program Completion 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
06/07/12	Met-Therapeutic Comm Program 01/06/12 to 04/04/12 [Applied OD] 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
06/07/12	Met-A&D Treatment 01/30/12 to 04/30/12 [Applied OD] SUBSTANCE ABUSE EDUCATION 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
12/20/12	Met-Therapeutic Comm Program 08/01/12 to 11/30/12 [Applied OD] 70 DAYS N.E.			11/24/23	07/29/26	07/29/26
01/22/13	Met-Therapeutic Comm Program 12/01/12 to 03/30/13 [Applied OD] 40 DAYS N.E.			11/24/23	07/29/26	07/29/26
01/26/13	Met-Therapeutic Comm Program 03/31/13 to 06/30/13 [Applied OD] 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
10/26/13	Met-Therapeutic Comm Program 07/01/13 to 08/30/13 [Applied OD] 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
02/11/14	Met-Therapeutic Comm Program 10/01/13 to 01/01/14 [Applied OD] 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
04/26/14	Met-Therapeutic Comm Program 01/02/14 to 04/02/14 [Applied OD] 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
07/29/14	Met-Therapeutic Comm Program 04/03/14 to 07/03/14 [Applied OD] 30 DAYS N.E.			11/24/23	07/29/26	07/29/26
10/29/14	Met-Therapeutic Comm Program 07/04/14 to 10/04/14 [Applied OD] 30 DAYS N.E. DUE TO CRIME			11/24/23	07/29/26	07/29/26
11/17/14	Met-Therapeutic Comm Program 10/05/14 to 11/05/14 [Applied OD] 10 DAYS N.E. DUE TO CRIME			11/24/23	07/29/26	07/29/26
12/23/14	Released On ERS 12/20/14 [Applied OD]			11/24/23	07/29/26	07/29/26
01/09/15	Return From ERS 12/20/14 to 01/09/15 [Applied OD]				07/29/26	07/29/26

### Summary:

Begin Date	House Arrest Date	Parole Date	ERS Date	Tentative Discharge	Max Discharge	End Date
08/03/2006				07/29/2026	07/29/2026	

**Oxerridae:**

Total Term To Serve: 20Y	Total Earned Time: 0D	Earned Time Lost: 0D	Total MET Earned: 0D	Total Trusty Time Earned: 0D
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**Comments:**

REMOVED ALL MET AND TET PER EMAIL DIRECTIVE SCANNED DUE TO THIS INMATE IS SERVING A MANDATORY CRIME OF KIDNAPPING

**Approval:**

Approved By: **AB** Date Approved: **1/14/2015**



# Inmate Time Sheet

Housing: CMCF, CMCF 720, BLD C, ZONE A, BED 0010

Date Printed: 01/28/2015 15:48

Computation Date: 01/14/2015 14:08

DATE	CAUSE/COUNT	OFFENSE	COMMITTED	COUNTY	SERVE	BY	BY	BY	BY
08/22/08	17.9371	131E AGGRAVATED ASSAULT	08/22/08	Rankin	20Y	N	N	N	17.9371
08/22/08	17.9372	131E AGGRAVATED ASSAULT	08/23/08	Rankin	20Y	N	N	N	18.1313
08/22/08	18.2133	1005 KIDNAP MINOR	11/04/08	Rankin	20Y	N	N	N	
08/22/08	18.2134	131E AGGRAVATED ASSAULT	11/04/08	Rankin		N	N	N	

First Time Offender

**Pre Trial/Pre Sentence Jail Time:**

**Total Jail Time: 781**

DATE	DESCRIPTION
11/1/78	...
11/2/78	...
11/3/78	...
11/4/78	...
11/5/78	...
11/6/78	...
11/7/78	...
11/8/78	...
11/9/78	...
11/10/78	...
11/11/78	...
11/12/78	...
11/13/78	...
11/14/78	...
11/15/78	...
11/16/78	...
11/17/78	...
11/18/78	...
11/19/78	...
11/20/78	...
11/21/78	...
11/22/78	...
11/23/78	...
11/24/78	...
11/25/78	...
11/26/78	...
11/27/78	...
11/28/78	...
11/29/78	...
11/30/78	...

06/22/08 17.937/1 131B-AGGRAVATED ASSAULT 20Y  
06/22/08 17.937/2 131B-AGGRAVATED ASSAULT CS to 17.937/1  
06/22/08 18.215/3 100B-KIDNAP MINOR 20Y CC with 17.937/1  
06/22/08 18.215/4 131B-AGGRAVATED ASSAULT CS to 18.215/3  
07/17/08 Into Truly Stable 10/26/08 IN T/9 OPEN C-CUSTODY  
07/16/08 Out Of Truly Stable 10/26/08 N.E. TET DUE TO KIDNAPPING MINOR SEX OFFENDER  
07/17/08 Mel-Unit Support/Camp Support 04/01/08 to 06/31/08 LIBRARY POD ORDERLY 20 DAYS N.E. DUE TO IN T/9 FOR A JOB  
06/24/08 Mel-Disciplinship Program 01/07/08 to 03/31/08 28 DYS N.E.  
06/24/08 Mel-Disciplinship Program 06/01/08 to 08/06/08 22 DYS N.E.  
06/23/10 Mel-P/ra Release Program 10/01/08 to 12/28/08 FATHERHOOD INITIATIVE PROGRAM 20 DYS N.E.  
06/23/10 Mel-P/ra Release Program 12/28/08 to 01/18/10 COGNITIVE SKILLS 7 DYS N.E.  
06/24/10 Mel-A&D Treatment 01/16/10 to 02/16/10 10 DYS NE.  
06/30/10 Mel-A&D Treatment 02/20/10 to 03/21/10 10 DYS NE.  
06/01/10 Mel-P/ra Release Program 03/22/10 to 05/28/10 STRERG MANAGEMENT CLASS 2 DYS N.E.  
07/26/10 Mel-Disciplinship Program 04/01/10 to 07/01/10 30 DYS NE  
01/24/11 Mel-Therapeutic Commn Program 08/16/10 to 12/16/10 30 DYS NE  
01/24/11 Mel-Disciplinship Program 04/01/08 to 06/31/11 FAITH BASED PROGRAM 180 DAYS-NE  
06/31/11 Mel-A&D Treatment 01/03/11 to 06/03/11 TUTOR-SUBSTANCE ABUSE 40 DAYS NE  
07/06/11 Mel-Therapeutic Commn Program 12/17/10 to 06/17/11 80 DAYS NE  
07/13/11 Mel-P/ra Release Program 10/16/10 to 02/07/11 ART CLASS 36 DAYS NE  
07/13/11 Mel-P/ra Release Program 04/06/11 to 06/01/11 MUSIC APPRECIATION 16 DYS N.E.  
08/12/11 Mel-A&D Treatment 06/04/11 to 08/04/11 SUBSTANCE ABUSE 30 DAYS N.E.  
08/12/11 Mel-Therapeutic Commn 04/11/11 to 07/11/11 FAITH BASED PROGRAM 30 DAYS N.E.

DATE	DESCRIPTION
01/28/12	Met-Therapaulo Comm Program 08/04/11 to 01/04/12 80 DAYS N.E.
04/06/12	Met-Therapaulo Comm Program 07/02/11 to 03/30/12 FAITH BASED PROGRAM 90 DAYS N.E.
04/17/12	Met-Special Detail 04/11/12 Long Term A&D Program Completion 30 DAYS N.E.
06/07/12	Met-Therapaulo Comm Program 01/06/12 to 04/04/12 30 DAYS N.E.
06/07/12	Met-A&D Treatment 01/30/12 to 04/30/12 SUBSTANCE ABUSE EDUCATION 30 DAYS N.E.
12/04/12	Met-Therapaulo Comm Program 05/01/12 to 11/30/12 70 DAYS N.E.
08/22/13	Met-Therapaulo Comm Program 12/01/12 to 03/30/13 40 DAYS N.E.
07/26/13	Met-Therapaulo Comm Program 03/31/13 to 06/30/13 30 DAYS N.E.
10/01/13	Met-Therapaulo Comm Program 07/01/13 to 09/30/13 30 DAYS N.E.
02/11/14	Met-Therapaulo Comm Program 10/01/13 to 01/01/14 30 DAYS N.E.
04/03/14	Met-Therapaulo Comm Program 01/02/14 to 04/02/14 30 DAYS N.E.
06/17/14	Met-Therapaulo Comm Program 04/03/14 to 07/03/14 30 DAYS N.E.
10/28/14	Met-Therapaulo Comm Program 07/04/14 to 10/04/14 30 DAYS N.E. DUE TO CRIME
11/17/14	Met-Therapaulo Comm Program 10/05/14 to 11/05/14 10 DAYS N.E. DUE TO CRIME
12/23/14	Released On ERS 12/20/14
07/29/15	Return From ERS 12/20/14 to 01/09/15

**Summary:**

Begin Date	House Arrest Date	Parole Date	ERS Date	Tentative Discharge	Max Discharge	End Date
08/03/2006				07/29/2026	07/29/2026	
Total Term To Serve: 20Y		Total Earned Time: 0D	Earned Time Lost: 0D	Total MET Earned: 0D		Total Trusty Time Earned: 0D

**Comments:**

Case 3:15-cv-00282-HTW-LRA Document 1-1



EXH C Case 3:15-cv-00282-HTW-LRA Document 1 Filed 04/14/15 Page 48 of 64 EXH C

## C. High Severity Offenses (ANNEX B)

NCIC Code	High Severity Offense
0000	Battery on Officer or Firefighter
0000	Felony Aggravated Stalking
0909	Vehicular, Manslaughter
0910	Manslaughter
0951	Vehicular Homicide
1005	Kidnap, Minor
1006	Kidnap, Adult
1008	Abduct -- No Ransom or Assault
1099	Kidnapping
1150	Statutory Rape
1152	Sexual Battery
1316	Intimidation
1351	Mayhem
2001	Arson -- Business, Endanger Life
2002	Arson -- Resident, Endanger Life
2008	Arson -- Public Building, Endanger Life
2199	Extortion
2250	Aggravated Burglary
2258	Shooting Into a Dwelling
3592	Controlled substance in a facility
3601	Child Molestation
3652	Gratification/Lust
3654	Unlawful Touching/Child
3656	Unnatural Intercourse
3802	Child Abuse
4901	Escape from Official Detention, Jail
4999	Flight/Escape
5212	Use of Firearm while Committing a Felony, Subsequent Convictions
5215	Threat to Bomb

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EXH

D

STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
DIVISION OF COMMUNITY CORRECTIONS

Page \_\_\_\_ of \_\_\_\_

## VIOLATION REPORT FORM

Minor: ☒ Major: ☐

TO: DCC Jerry Williams

Name: STEPHEN MONTALTO

MDOC# 142736

STATE: Mississippi

Type of Violation: Technical

Location: Brandon

Rankin

Date Violation Occurred: 01/09/2015

Jailed: ☐ Yes ☒ No

If Jailed, give: Date of Arrest

Place Confined

Describe, in detail, all facts relating to conditions allegedly violated:

Inmate Stephen Montalto was sentenced on 09/22/2008 in Rankin County to serve 20 years for Kidnapping CT I and AGG. Assault CT II charges. Inmate Montalto was placed on ERS 12/20/2014. After being released from prison residence was denied by Rankin County Sheriff's Office on the law of Sex Offender Registry. Residence does not meet requirements. Inmate Montalto was given time to try to find a new residence that would meet the requirements of Sex Offender Laws. Inmate Montalto was unable to do so and was taken into custody and returned to CMCF. Violation packet was completed and turn in at R&D at CMCF.

## Recommendation:

- ☒ Refer to court/releasing authority for revocation consideration  
☐ Continue under supervision  
☐ Additional restrictions or guidelines as follows:

Violated conditions of ERS:

## Justification:

Residence was denied due to SEX OFFENDER REGISTRY

Supervisor's Signature

Glen McCoy, FO III  
Field Officer's Name (print/type)

Field Officer's Signature

3786.017-1  
 3/31/11  
 Revised 10/07/2008 ccm: 10/15/08

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not under arrest on a warrant or the offender signed a waiver of a preliminary hearing. The preliminary hearing may be conducted electronically. If reasonable cause is found, the offender may be confined no more than twenty-one (21) days from the admission to detention until a revocation hearing is held. If the revocation hearing is not held within twenty-one (21) days, the probationer shall be released from custody and returned to probation status.

(4) If a probationer or offender is subject to registration as a sex offender, the court must make a finding that the probationer or offender is not a danger to the public prior to release with or without bail. In determining the danger posed by the release of the offender or probationer, the court may consider the nature and circumstances of the violation and any new offenses charged; the offender or probationer's past and present conduct, including convictions of crimes and any record of arrests without conviction for crimes involving violence or sex crimes; any other evidence of allegations of unlawful sexual conduct or the use of violence by the offender or probationer; the offender or probationer's family ties, length of residence in the community, employment history and mental condition; the offender or probationer's history and conduct during the probation or other supervised release and any other previous supervisions, including disciplinary records of previous incarcerations; the likelihood that the offender or probationer will engage again in a criminal course of conduct; the weight of the evidence against the offender or probationer; and any other facts the court considers relevant.

(5) (a) The probation and parole officer after making an arrest shall present to the detaining authorities a similar statement of the circumstances of violation. The probation and parole officer shall at once notify the court of the arrest and detention of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation. Within twenty-one (21) days of arrest and detention by warrant as herein provided, the court shall cause the probationer to be brought before it and may continue or revoke all or any part of the probation or the suspension of sentence. If the court revokes probation for a technical violation, the court shall impose a period of imprisonment to be served in either a technical violation center or a restitution center not to exceed ninety (90) days for the first technical violation and not to exceed one hundred twenty (120) days for the second technical violation. For the third technical violation, the court may impose a period of imprisonment to be served in either a technical violation center or a restitution center for up to one hundred eighty (180) days or the court may impose the remainder of the suspended portion of the sentence. For the fourth and any subsequent technical violation, the court may impose up to the remainder of the suspended portion of the sentence. The period of imprisonment in a technical violation center imposed under this section shall not be reduced in any manner.

(b) If the offender is not detained as a result of the warrant, the court shall cause the probationer to be brought before it within a reasonable time and may continue or revoke all or any part of the probation or the suspension of sentence, and may cause the sentence imposed to be executed or may impose any part of the sentence which might have been imposed at the time of conviction. If the court revokes probation for a technical violation, the court shall impose a period of imprisonment to be served in either a technical violation center or a restitution center not to exceed ninety (90) days for the first technical violation and not to exceed one hundred twenty (120) days for the second technical violation. For the third technical violation, the court may impose a period of imprisonment to be served in either a technical violation center or a restitution center for up to one hundred eighty (180) days or the court may impose the remainder of the suspended portion of the sentence. For the fourth and any subsequent technical violation, the court may impose up to the remainder of the suspended portion of the sentence. The period of imprisonment in a technical violation center imposed under this section shall not be reduced in any manner.

(c) If the court does not hold a hearing or does not take action on the violation within the twenty-one-day period, the offender shall be released from detention and shall return to probation status. The court may subsequently hold a hearing and may revoke probation or may continue probation and modify the terms and conditions of probation. If the court revokes probation for a technical violation, the court shall impose a period of imprisonment to be served in either a technical violation center operated by the department or a restitution center not to

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## Mississippi Department of Corrections

## Inmate Time Sheet

Housing: EAST MISS. CCF, EMCF UNIT 2, POD A, BED 106L

Date Printed: 11/05/2014 16:03

Offender: MONTALTO, STEPHEN 142736

Computation Date: 10/28/2014 10:35

## Sentences:

☒ First Time Offender

## Pre Trial/Pre Sentence Jail Time:

FROM	TO	DAYS
08/22/08	08/23/08	1
08/24/08	08/22/08	90
10/11/08	10/13/08	2
11/04/08	08/22/08	888

Total Jail Time: 781

Override:

## Computation Details:

DATE	DESCRIPTION
08/22/08	17,837/1 1315:AGGRAVATED ASSAULT 20Y
08/22/08	17,837/2 1315:AGGRAVATED ASSAULT 08 to 17,837/1
08/22/08	18,213/3 1088:KIDNAP-20Y CC with 17,837/1
08/22/08	18,213/4 1315:AGGRAVATED ASSAULT 08 to 18,213/3
11/17/08	Into Truly Status 10/28/08 IN T/S OPEN C-CUSTODY
11/27/08	Truly Earned Time 10/28/08 to 11/27/08 : 30D
12/27/08	Truly Earned Time 11/27/08 to 12/27/08 : 30D
01/26/09	Truly Earned Time 12/27/08 to 01/26/09 : 30D
02/25/09	Truly Earned Time 01/26/09 to 02/25/09 : 30D
03/27/09	Truly Earned Time 02/25/09 to 03/27/09 : 30D
04/26/09	Truly Earned Time 03/27/09 to 04/26/09 : 30D
06/26/09	Truly Earned Time 04/26/09 to 06/26/09 : 30D
08/26/09	Truly Earned Time 06/26/09 to 08/26/09 : 30D
07/17/09	Met-Unit Support/Camp Support 04/01/09 to 08/31/09 LIBRARY POD ORDERLY 20 DAYS N.E. DUE TO IN T/S FOR A JOB.
07/26/09	Truly Earned Time 06/26/09 to 07/26/09 : 30D
08/24/09	Truly Earned Time 07/26/09 to 08/24/09 : 30D
08/24/09	Met-Displacement Program 01/07/09 to 03/31/09 : 28D
08/24/09	Met-Displacement Program 08/01/09 to 08/08/09 : 22D
08/23/09	Truly Earned Time 08/24/09 to 08/23/09 : 30D
10/23/09	Truly Earned Time 08/23/09 to 10/23/09 : 30D
11/22/09	Truly Earned Time 10/23/09 to 11/22/09 : 30D
12/22/09	Truly Earned Time 11/22/09 to 12/22/09 : 30D
12/28/09	Met-Pre Release Program 10/01/09 to 12/28/09 : 20D FATHERHOOD INITIATIVE PROGRAM
01/21/10	Truly Earned Time 12/22/09 to 01/21/10 : 30D
02/20/10	Truly Earned Time 01/21/10 to 02/20/10 : 30D
02/23/10	Met-Pre Release Program 12/28/09 to 01/18/10 : 7D COGNITIVE SKILLS
02/24/10	Met-Add Treatment 01/18/10 to 02/18/10 : 10D

DATE	DESCRIPTION
03/06/13	TruSty Earned Time 01/05/13 to 02/04/13 : 30D
04/05/13	TruSty Earned Time 02/04/13 to 03/05/13 : 30D
05/02/13	TruSty Earned Time 03/05/13 to 04/05/13 : 30D
05/02/13	Met-Therapeutic Comm Program 12/01/12 to 03/30/13 : 40D
05/05/13	TruSty Earned Time 04/05/13 to 05/05/13 : 30D
06/04/13	TruSty Earned Time 05/05/13 to 06/04/13 : 30D
07/04/13	TruSty Earned Time 06/04/13 to 07/04/13 : 30D
07/29/13	Met-Therapeutic Comm Program 03/31/13 to 06/30/13 : 30D
08/03/13	TruSty Earned Time 07/04/13 to 08/03/13 : 30D
08/02/13	TruSty Earned Time 06/03/13 to 08/02/13 : 30D
10/02/13	TruSty Earned Time 08/02/13 to 10/02/13 : 30D
10/15/13	Met-Therapeutic Comm Program 07/01/13 to 09/30/13 : 30D
11/01/13	TruSty Earned Time 10/02/13 to 11/01/13 : 30D
12/01/13	TruSty Earned Time 11/01/13 to 12/01/13 : 30D
12/31/13	TruSty Earned Time 12/01/13 to 12/31/13 : 30D
01/30/14	TruSty Earned Time 12/31/13 to 01/30/14 : 30D
02/1/14	Met-Therapeutic Comm Program 10/01/13 to 01/01/14 : 30D
03/01/14	TruSty Earned Time 01/30/14 to 03/01/14 : 30D
03/31/14	TruSty Earned Time 03/01/14 to 03/31/14 : 30D
04/03/14	Met-Therapeutic Comm Program 01/02/14 to 04/02/14 : 30D
04/30/14	TruSty Earned Time 03/31/14 to 04/30/14 : 30D
05/30/14	TruSty Earned Time 04/30/14 to 05/30/14 : 30D
06/29/14	TruSty Earned Time 05/30/14 to 06/29/14 : 30D
07/17/14	Met-Therapeutic Comm Program 04/03/14 to 07/03/14 : 30D
07/28/14	TruSty Earned Time 06/29/14 to 07/28/14 : 30D
08/26/14	TruSty Earned Time 07/28/14 to 08/26/14 : 30D
08/27/14	TruSty Earned Time 08/26/14 to 08/27/14 : 30D
10/28/14	Met-Therapeutic Comm Program 07/04/14 to 10/04/14 : 30D
10/30/14	TruSty Earned Time 08/27/14 to 10/27/14 : 30D

**Summary:**

Begin Date	House Arrest Date	Parole Date	ERS Date	Tentative Discharge	Max Discharge	End Date
08/03/2006			12/12/2014	08/16/2017	07/29/2026	
Total Term To Serve: 20Y	Total Earned Time: 248D	2Y	Earned Time Lost: 0D	Total MET Earned: 2Y	Total Trusty Time Earned: 6Y	

**Comments:**

Housing: EAST WING, COF, ENOF UNIT 2, POD A, BED. 1001.

07/01/2014 09:38  
Dated: P. M. 08/01/2014

DATE	CALCULATED	DECEASED
03/03/08	17.8571	1316AGGRAVATED ABGALT
03/03/08	17.8572	1316AGGRAVATED ABGALT
03/03/08	18.2143	1086.10DNAR
03/23/08	18.2144	1316AGGRAVATED ABGALT

Print Time: 12/10/08

FROM TO DAY

**தெய்வம்!**

DATE DESCRIPTION

[illegible]

[illegible]



[illegible]

08/03/2008

Begin Date	House Amount	Partials Date	ERB Date	Terminative Discharge	Max Discharge	End Date
03/03/2008			08/10/2018	02/12/2018	07/28/2028	
Total Term To Serve: 20Y			Total Earned Time: 248D		Earned Time Lost: 0D	
			Total MET Earned: 289D		Total Time Earned: 6Y 248D	

2014年12月10日

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THE STATE OF MISSISSIPPI  
COUNTY OF RANKIN

JAN 22 2007

Cause No.

18213

*Indictment for the offense of*  
**KIDNAPPING §97-3-53**  
**AGGRAVATED ASSAULT §97-3-7(2)**  
**ESCAPE §97-9-49**

**IN THE CIRCUIT COURT OF SAID COUNTY, JULY TERM, 2006**  
Recalled December 19, 2006

The Grand Jurors of the State of Mississippi, taken from the body of good and lawful citizens of said county, elected, summoned, empanelled, sworn and charged to inquire in and for the body of the county aforesaid, at the term aforesaid of the Court aforesaid, in the name and by the authority of the State of Mississippi, upon their oath present that:

**COUNT I**

**STEPHEN D. MONTALTO**, on or about the 4<sup>th</sup> day of November, 2006, in the county aforesaid and within the jurisdiction of this Court, willfully, unlawfully, feloniously, forcibly seize and confine Jean Grace, a human being, with the intent to cause the said victim to be secretly confined or imprisoned against his will; in violation of Mississippi Code Annotated §97-3-53 (1972), as amended; and,

**COUNT II**

And, based upon a series of acts connected together and constituting parts of a common scheme and plan, **STEPHEN D. MONTALTO**, on or about the 4<sup>th</sup> day of November, 2006, in the county aforesaid and within the jurisdiction of this Court, did unlawfully, feloniously, knowingly and intentionally cause or attempt to cause bodily injury to Jennifer Grace, a human being, by causing her to fall on the pavement and wound her left forearm and cause a contusion on the middle of her forehead, while driving a vehicle in a reckless manner, a means likely to produce death or serious bodily injury, in violation of Mississippi Code Annotated Section 97-3-7(2)(1972), as amended; and,

**COUNT III**

And, based upon a series of acts connected together and constituting parts of a common scheme and plan, **STEPHEN D. MONTALTO**, on or about the 4<sup>th</sup> day of November, 2006, in the county aforesaid and within the jurisdiction of this Court, did willfully, unlawfully, and feloniously escape from the custody of the Flowood Police Department, Rankin County, Mississippi, at a time when he was then and there lawfully confined in the custody of said Flowood Police Department, said confinement being by virtue of

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being booked in the jail for the robbery count or Kidnapping and Aggravated Assault, in violation of Mississippi Code Annotated §97-9-49 (1972) as amended, and,

All of the above, Count I, Count II and Count III, being against the peace and dignity of the State of Mississippi.

Endorsed: A True Bill

  
Foreman of the Grand Jury

  
U.S. District Attorney

**AFFIDAVIT**

COMES NOW James Buckhalter, Foreman of the Jury, 2006, Rankin County Grand Jury, and makes oath that this indictment presented to this Court was returned in by twelve (12) or more members of the Grand Jury and that at least fifteen (15) members thereof were present during all deliberations.

  
FOREMAN OF THE GRAND JURY

SWORN TO AND SUBSCRIBED before me on this 1st day  
of January, A. D., 2007.

CAROL SWILEY, ARCHIVE CLERK

BY: 

D.C.



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☐ (MSP)  
☐ (CWC)  
☐ (CME)  
☐ (SMC)  
☐ (OTHER) Community Corr.

## MISSISSIPPI DEPARTMENT OF CORRECTIONS

## RULE VIOLATION REPORT

RVR# 01092015

(Unit Admin. Init.)

Zone/Tier

EKS

Unit

Camp/Cell

MOUSE 142/56

Violated Rule # R32

Enacted

Offender: STEPHEN MONTALTO

Date

1/9/2015

Approx. Time 0700

Hours

violated conditions of EKSd

by the specific act of residence was denied ( Sex Offender Registry Laws).

## Circumstances and Details

Residence was denied by Rankin County Sheriff's Office on the law of Sex Offender Registry. Residence does not meet requirements.

Reporting Employee's Signature: *[Signature]* Title: POIII P# 53881 Date: 1/9/2015  
 Residence ☒ No ☐ Yes Located at: Placed in Seg-PDA ☒ No ☐ Yes Location:

I request investigation and witness(es) ☒ No ☐ Yes Witness(es) 1) n/a  
 I waive the right to a hearing ☒ No ☐ Yes  
 Accused: STEPHEN MONTALTO Del. Employee: *[Signature]* Date: 1/9/2015 Time: 0800 hours

Unless waived, you are hereby notified that a hearing will be held within no less than 24 hours and no more than seven (7) working days in the appropriate hearing office.

Heard by: ☐ Disciplinary Committee ☐ Hearing Officer  
 Working days between date of violation and hearing: If more than seven (7) working days, explain:

First Full Name of Persons at Hearing - Accused STEPHEN MONTALTO  
 Member: Member: Chairperson: Member:  
 Other: Accused ☐ Admit ☐ Deny Accepted Statement:

Documents read and discussed: RVR ☐ Investigation ☐ Witness(es) Statement ☐  
 Other (specify):

Findings: ☐ Guilty ☐ Not Guilty Punishment, if Guilty:

Reason(s):

Signature:

Date:

CHAIRPERSON HEARING OFFICER

Disciplinary Committee Members:

Appeal may be filed with Institutional Superintendent within 15 days after receipt of disciplinary decision.

Offender Signature: STEPHEN MONTALTO

Date:

Signature of Reviewing Warden/Designee:

Date:

Loss of Earned Time ☐ Approved ☐ Disapproved

Commissioner of Corrections or Designee

Original with All Attachments - Records

1st Copy - Offender

2nd Copy - Working File 3rd Copy - Reporting Employee

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## MISSISSIPPI DEPARTMENT OF CORRECTIONS



## WARRANT FOR ARREST OF EARNED RELEASE PRISONER

TO ANY FIELD OFFICER OR ANY OFFICER AUTHORIZED TO SERVE CRIMINAL PROCESS:  
 WHEREAS, STEPHEN MONTALTO, MDOC # 142735, was sentenced on 09/22/2008, to serve a term of 20 ( ) years in the custody of the Mississippi Department of Corrections, said sentence being in the County of Rankin, State of Mississippi, for the crime of Kidnapping Ct Agg: Assault Ct II and said STEPHEN MONTALTO was placed on Earned Release Supervision the 20th day of December, 2014, by the Mississippi Department of Corrections and;

WHEREAS, having reasonable cause to believe that STEPHEN MONTALTO, a prisoner of the State of Mississippi, conditionally placed on Earned Release from the Mississippi Department of Corrections, has violated his/her Earned Release Certificate in that

Residence was denied by Rankin County Sheriff's Office on the law of Sex offender Registry; Residence does not meet requirements.

NOW, THEREFORE, by the authority vested in me by the Mississippi Code 1972, Annotated, Section 47-7-b and 47-5-136, I hereby order the said STEPHEN MONTALTO to be arrested, and I hereby authorize you to so arrest him/her and for doing this shall be your sufficient warrant.

GIVEN under my hand and seal, this the 08th day of January, 2015.

MISSISSIPPI DEPARTMENT OF CORRECTIONS

Glen McCoy FO II

FIELD OFFICER

NCIC ENTRY ☐ YES ☐ NO RACE: White SEX: Male DOB: 10/01/1975  
 Social Security No: 130-72-9167 HT: 57" WT: 205  
 SCARS:

Records office, Parchman (Original)  
 Community Corrections Data Operations  
 Offender File  
 Holding Authority

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(MSP) ☐ (CWC) ☐  
 (CMC) ☐ (SMC) ☐  
 (OTHER) Community Corr.

MISSISSIPPI DEPARTMENT OF CORRECTIONS

H

## RULE VIOLATION REPORT

ERS

RV# 01092015

(Unit Admin Init.)

Zone/Sec

Unit

Cell/Bed#

Offender: STEPHEN MONTALTO

MDOC# 142736

Violated Rule # B52

Enacted

violated conditions of ERSa

Date: 1/9/2015

Approx. Time 0700 hours

by the specific act of residence was denied ( Sex Offender Registry Laws)

## Circumstances and Details

Residence was denied by Rankin County Sheriff's Office on the law of Sex Offender Registry. Residence does not meet requirements.

Reporting Employee's Signature: *[Signature]* Title: FOHI PIN# 538881 Date: 1/9/2015  
 Evidence ☒ No ☐ Yes Located in: Placed in Seg-PDA ☒ No ☐ Yes - Location

I request investigation and witness(es) ☒ No ☐ Yes Witness(es) 1) n/a *[Signature]*  
 I waive the right to a hearing ☒ No ☐ Yes  
 Accused: STEPHEN MONTALTO Del. Employee: *[Signature]* Date: 1/9/2015 Time: 0800 hours

Unless waived, you are hereby notified that a hearing will be held within no less than 24 hours and no more than seven (7) working days in the appropriate hearing office.

Held by: ☐ Disciplinary Committee ☒ Hearing Officer

Working days between date of violation and hearing: 12

If more than seven (7) working days, explain:

*sent to Central Office for review 24 hr notice. Holiday processed in the order referred.*  
 Present Full Name of Persons at Hearing - Accused: STEPHEN MONTALTO  
 Chairperson: K. Cooper

Member: Member: Member:

Other: *N/A*

Admitted ☐ Admit ☒ Deny

Accused Statement:

*Not Guilty due to the residence I was released to was approved for mdoc requirements and sex offender registry.*

Documents read and discussed: RV# ☒ Investigation ☐ Witness(es) Statement ☐

Other (specify): *violation report.*

Findings: ☒ Guilty ☐ Not Guilty Punishment, if Guilty: *revoke ERS, Reclassification*

*Based on the reporting officer's report and evidence presented at hearing.*

Signature: *K. Cooper* Date: 1/29/15

CHAIRPERSON/HEARING OFFICER

Disciplinary Committee Members:

Appeal may be filed with Institutional Superintendent within 15 days after receipt of disciplinary decision.

Offender Signature: *[Signature]* Date: 1/29/15

Signature of Reviewing Warden/Designee: *[Signature]* Date: 1/29/15

Loss of Earned Time: ☐ Approved ☐ Disapproved

Commissioner of Corrections or Designee

Original with All Attachments - Records

1st Copy - Offender

2nd Copy - Working File

3rd Copy - Reporting Employee



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EXH  
H



STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
MARSHALL FISHER  
COMMISSIONER

Ronald King, Superintendent  
Central Mississippi Correctional Facility

Post Office Box 80558  
Pearl, Mississippi 39268  
(601) 932-8888

CENTRAL MISSISSIPPI CORRECTIONAL FACILITY  
DISCIPLINARY DEPARTMENT

Date:

1/29/15

HEARING OFFICER: Katrina Cooper

OFFENDER:

Consideration:  
Stephen Montalto

MEOC #

142736

RVR LOG #:

01092015

RULE #: B-32

ENTITLED: FAILURE TO ABIDE BY THE STATEMENT OF CONDITIONS OF  
RELEASE FOR ERS/EARNED RELEASE SUPERVISION  
HEARING PROCESS RESULTS

Offenders Plea \*\*\*\*\* Guilty \*\*\*\*\* Guilty with Modification \*\*\*\*\* Not Guilty

Hearing Officers Decision \*\*\*\*\* Guilty \*\*\*\*\* Not Guilty

Disposition:

Revoke ERS  
Reclassification

This Action was Approved X Disapproved \_\_\_\_\_

Disciplinary Hearing Officer Katrina Cooper

Tape CNQ side B

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STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
Marshall Fisher  
COMMISSIONER

Ronald King, Superintendent  
Central Mississippi Correctional Facility

Post Office Box 88550  
Pearl, Mississippi 39208  
(601) 932-2880

**APPEAL PROCEDURE**

RVR # 01092015

OFFENDER: Stephen Montalto MDOC # 142736

From: Disciplinary Chairperson, CMCF

Date: 1/29/15

Guilty Findings:

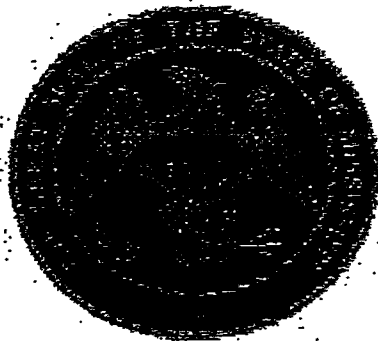
Be advised that you are found guilty of violating one or more of the Mississippi Department of Corrections Rules and Regulations. The rule(s) violated by you: B32 as stated in the Department of Corrections Handbook.

**In Accordance With Current Disciplinary Procedures**

1. You have (15) days to file an appeal on the findings of the Hearing Officer, or any portion of the punishment imposed by the Hearing Officer.
2. Attach a copy of the RVR given to you by the Hearing Officer at the time of the hearing.  
**IT MUST BE THE COPY GIVEN TO YOU AT THE TIME OF THE HEARING.**
3. Your appeal must be submitted in writing, stating the reason that you feel the findings or punishment is unjust or inappropriate.
4. SEND ALL PAPERWORK REGARDING YOUR APPEAL TO:

LEGAL CLAIMS ADJUDICATOR  
ADMINISTRATIVE REMEDY PROGRAM  
P.O. BOX 609  
PARCHMAN, MISSISSIPPI 38738

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**Mississippi Department of Corrections**  
**Records Bureau**

INMATE NAME & MDOC #	STEPHEN MONTALTO# 142736
DATE RECEIVED	06/30/14
ADDRESSED TO	COMMISSIONER EPPS <i>Alicia Box</i>
PREPARED BY (include name & title)	ALICIA BOX, CHIEF RECORDS OFFICER
DATE OF RESPONSE	07/01/14
REFERENCE TO:	TIME
<b>RESPONSE TO CORRESPONDENCE</b>	
<p>In response to your letter received on 06/30/14, you wanted to receive credit for your M.E.T. time since 2009 for Sergeant at arms, facility substance abuse tutor, library worker and Faith Based Program.</p> <p>Inmates can no longer receive multiple M.E.T. time for multiple programs as you were granted in the past. Inmates can only receive a maximum of 10 days per month for one Program each month. The Records Department has posted all of the M.E.T. time that has been submitted on you as of today's date. Contact your Case Manager with any concerns that you may have.</p> <p>Cc: Mr. Epps          Mr. Mallett</p>	

Case 3:15-cv-00282-UNWLR STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI

NOTICE OF ASSIGNMENT

Case filed: April 14, 2015

Your case against Mississippi Department of Corrections, et al. has been assigned

Civil Action No. 3:15-cv-282-HTW-LRA and has been referred to the following

District Judge and Magistrate Judge:

District Judge

- ☐ Louis Guirola, Jr.
- ☐ Daniel P. Jordan, III
- ☐ Sul Ozerden
- ☐ Carlton W. Reeves
- ☐ Keith Starrett
- ☒ Henry T. Wingate
- ☐ William H. Barbour, Jr. (Senior Judge)
- ☐ David Bramlette, III (Senior Judge)
- ☐ Tom S. Lee (Senior Judge)

Magistrate Judge

- ☒ Linda R. Anderson
- ☐ F. Keith Ball
- ☐ John C. Gargiulo
- ☐ Michael T. Parker
- ☐ Robert H. Walker

Division

Clerk's Office, Northern Division  
501 E. Court Street, Suite 2.500  
Jackson, Mississippi 39201

It is your responsibility to see that all pleadings and correspondence filed with this Court regarding this case contain the civil action number and judge designations.

If you wish to have a stamped filed copy of any pleading or document filed in this case returned to you, you will need to send an extra copy of the document along with a stamped self-addressed envelope. If you do not send an extra copy of the documents and a stamped self-addressed envelope, this Court will be unable to return a copy to you.

**NOTICE FOR CHANGE OF ADDRESS:** When there is a change of address for the plaintiff, the plaintiff must notify this Court in writing in a separate document with the following specific information: (1) state the civil action number of the case; (2) state that the plaintiff is requesting this Court to change his address of record; (3) state the new address of the plaintiff and (4) if applicable, state the prisoner number of the plaintiff.

The failure to advise this Court of a change of address or failure to comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in the dismissal of your case.

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